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Gilbert, Sir John Thomas

English commissioners and Irish records.

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October 3, 1979

**THE PUBLIC RECORDS OF IRELAND.**

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**ENGLISH COMMISSIONERS AND IRISH RECORDS.**



# ENGLISH COMMISSIONERS AND IRISH RECORDS.

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A

## LETTER

TO

THE RIGHT HON. WILLIAM MONSELL, M.P.,

COLONEL FRANCIS P. DUNNE, M.P.,

AND

COLONEL FITZ-STEPHEN FRENCH, M.P.,

ON THE REPORT OF

T. DUFFUS HARDY, ESQ.,

DEPUTY-KEEPER OF THE PUBLIC RECORDS OF ENGLAND,

AND

J. S. BREWER, ESQ., M.A.,

LAI'D BEFORE THE TREASURY BY

SIR JOHN ROMILLY,

MASTER OF THE ROLLS OF ENGLAND,

IN REFERENCE TO

THE PUBLICATION OF "THE CALENDAR OF THE PATENT AND  
CLOSE ROLLS OF IRELAND."

BY

AN IRISH ARCHIVIST.

LONDON:

J. RUSSELL SMITH, 36 Soho Square.—DUBLIN: W. B. KELLY, 8 Grafton  
Street.—EDINBURGH: T. G. STEVENSON, 22 South Frederick Street.

1865.

**Calendar of Patent and Close Rolls (Ireland.)**

Copy "of the Report of Messrs Brewer and Hardy, laid before the Treasury by the Master of the Rolls of England, in reference to the Publication of the Calendar of the Patent and Close Rolls of Ireland." Ordered by the House of Commons to be Printed, 21st February 1865.

[The references in the following pages are to the second editions of "Record Revelations" and "Record Revelations Resumed," entitled "On the History, Position, and Treatment of the Public Records of Ireland. By an Irish Archivist." London : J. Russell Smith, 36 Soho Square. Dublin : W. B. Kelly, 8 Grafton Street, 1864.]

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## ENGLISH COMMISSIONERS AND IRISH RECORDS.

### CONTENTS.

	PAGE
Circumstances of publication of Calendars of Patent and Close	
Rolls of Ireland, ... ..	1
Character of the so-called "Calendars," ... ..	2
Publication of "Record Revelations," ... ..	3
Proceedings in the House of Commons, July 1863, ... ..	4
Publication of "Record Revelations Resumed," ... ..	5
Appointment of Commissioners to investigate Calendar transaction,	6
Investigation by Irish Archivists demanded, ... ..	6
Acknowledged qualifications of Irish Archivists, ... ..	7
Irish Archivists excluded from investigation, ... ..	8
Appointment of Messrs T. D. Hardy and J. S. Brewer of the Rolls	
Department, ... ..	8
Their qualifications in connexion with Irish Archivism, ... ..	8
Mr Brewer's observations on Irish Chiefs and their descendants, ...	8
"          "          on the O'Connor family, ... ..	10
"          "          on Irish gentry, ... ..	11
"          "          on the Irish and their history, ....	12
Messrs Brewer and Hardy on the Irish language, ... ..	12
Historic antecedents of England and Ireland ignored in Report, ...	13
English Commissioners <i>versus</i> Continental scholars, ... ..	14
New doctrines on language, ... ..	15
Views of J. M. Kemble, ... ..	16
Commissioners contradict themselves on subject of Calendars, ...	17
Commissioners admit their want of knowledge of Irish Archivism,	18
Evidence of Commissioners' defective information, ... ..	19
Apologetic character of "Report," ... ..	20
"The Irish Archivist" assailed by Commissioners, ... ..	20

59335

	PAGE
Commissioners' unsuccessful attempts to divert attention from main points, ... ..	21
Official combinations, ... ..	22
Recapitulation of original allegations put forward in "Record Revelations," ... ..	

#### ALLEGATIONS I. AND II.

Indefensible character of Prefaces admitted by Government, ...	23
New doctrines on law of property, ... ..	24
Charles Reade on piracy, ... ..	24

#### THIRD ALLEGATION.

Charges against Annotations not contested by Commissioners, ..	25
--	----

#### ALLEGATIONS IV. AND V.

Editorial ignorance of Rolls not disproved, ... ..	26
Commissioners' errors respecting Irish Rolls, ... ..	27

#### SIXTH ALLEGATION.

Admissions of Commissioners respecting <i>text</i> of Calendars, ...	28
Blunders and defects in <i>text</i> acknowledged by Commissioners, ...	29
Commissioners oppose Sir John Romilly and "the Irish Archivist"	30
Specimen of bold "official" allegations, ... ..	31
Discovery respecting Philip and Mary, ... ..	32
"Unfortunate Assumptions" of Commissioners, ... ..	33
Commissioners' attempt to ignore plagiarisms in the <i>text</i> of Calendars, ... ..	34
Reade on "horse adapters" and literary thieves, ... ..	35

#### SEVENTH ALLEGATION.

Further bold " <i>official</i> " Certificates, ... ..	36
Previous execution of Calendars denied, ... ..	36
This statement refuted, ... ..	37
Proof of former execution of Calendar extending to 17,214 pages,	37
Extract from Calendar <i>officially certified to have never existed!</i> ...	38
Abstract of a Grant as printed in the Calendar of 1861, ...	38

## Contents.

vii

	PAGE
Abstract of same Grant as printed at <i>pages 34 and 35</i> of old Calendar, which the Rolls officials declare <i>never to have been</i> <i>executed beyond page 24 !</i> ...      ...      ...      ...	38
Superiority of old Calendar demonstrated,      ...      ...      ...	39
Official attacks on "Archivist,"      ...      ...      ...	40
Statements on the subject of "omission,"      ...      ...      ...	40
Commissioners' certificate respecting their investigations,      ...	41
Commissioners' certificate demolished,      ...      ...	42
Value and reliability of Commissioners' "Report,"      ...	42
Pernicious character of present Record system in Ireland,      ...	43
Public inquiry demanded,      ...      ...      ...	44
Impracticable proposals for amending the so-called Calendars,      ...	45
Necessity for new Calendars,      ...      ...      ...	46
"Inefficacious and unreliable" Calendars,      ...      ...	47
Different prescriptions for <i>English</i> and <i>Irish</i> Rolls,      ...	48
Mr T. D. Hardy on the Close Rolls of England,      ...	49
Strange recommendation by Commissioners,      ...	49
Commissioners on Archivist's supposed errors,      .      ...	50
"      on Irish names,      ...      ...      ...	50
English Commissioners <i>versus</i> O'Donovan, Larcom, and "Archivist,"	51
Supposed error and oversight of "Archivist,"      ...      ...	51
Error of Commissioners respecting Spenser,      ...      ...	52
Different treatment of English and Irish Archivists,      ...	53
Continental opinion on this subject,      ...      ...	54
Necessity for new Record system for Ireland,      ...	54
Concluding Observations,      ...      ...      ...	55

---

## APPENDIX.

I. Evidence respecting compilation of the now missing Calendars of Patent and Close Rolls of Ireland, A.D. 1819-29,      ...	57
II. Letters-Patent of Henry VIII. to Sir Dermot O'Seachnusaigh or O'Shaughnessy, respecting lands and possessions in the County of Galway, officially extracted from the Patent Roll 35 Henry VIII., but <i>totally omitted</i> in the new "Calendars,"	60





## A LETTER, &c.

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DUBLIN, *May* 1865.

GENTLEMEN,

MORE than two years have elapsed since, in March 1863, I published a statement demonstrating that measures were in progress to treat the Public Records of Ireland in a mode unprecedented in any *civilised* country.

The circumstances were in brief as follows:—Without having consulted any literary or scientific person conversant with the subject, Government confided the translation and editing of those most important documents—the Patent and Close Rolls of Ireland—to a clerk in one of the Dublin law courts, totally unknown in the world of letters, who publicly announced, that he performed this task “at intervals snatched from the labours of official duties.”

Two large volumes, entitled “Calendars of the Patent and Close Rolls of Ireland, from the reign of Henry VIII. to the end of that of Elizabeth,” were thus published in 1861–62, under the direction of the Master of the Rolls in Ireland, by authority of the Lords Commissioners of her Majesty’s Treasury in London.

To give official authority to these Calendars, a pamphlet was circulated gratuitously at the Public expense, contain-

ing letters from the Master of the Rolls of Ireland, the Ulster King-at-Arms, and some eminent lawyers, declaring the execution of these Calendars to be most creditable and satisfactory. The details of this transaction were calculated not only to arouse the surprise and indignation of scholars, but to excite serious apprehensions among the Public. Portions of the contents of the so-called "Calendars" had been taken, without acknowledgment, from previously published books; and the other parts abounded with almost every error and defect possible to exist in a work of this class. Of the ludicrous character of the translations, an idea may be formed from the editor having rendered a stone bullock-pen into *a city of the dead*; a flock of sheep into *a wax candle*; saddles into *seals*; a ducking-stool into *Saxon bondmen*; and the town of Aylsham in Norfolk into *isinglass*! In further defiance of common sense, the editor, in his prefaces, assured the public that, in his translations into English from ancient and obsolete language, he had *preserved the original orthography*! The grants of lands were given, in these volumes, in a style defective, misleading, and highly prejudicial to the public, as, in the majority of cases, the Calendars did not mention all the lands granted, and seldom specified the counties or localities of those enumerated. Such omissions, it was found, "might entail serious pecuniary losses to individuals, since legal investigators, accepting these volumes as faithful indices to the Rolls, would be misled into concluding lands to have clear titles, although in reality subject to heavy reversionary claims, the entries of which on the Rolls are at present *inaccessible* to the Public, in consequence of the defective mode in which the so-called 'Calendars' have been compiled." The royal letters, grants of titles, offices, pardons, ecclesiastical and municipal documents, were also presented in defective and

unreliable forms, in these Calendars, which thus failed to fulfil any one of the requirements for which works of this class are executed.

"It would be difficult," said an able writer, "to find a parallel for the Calendars in wholesale plagiarism—difficult to find a rival for them in ignorance—difficult to find an approximation to them in error. The robbery is of the most sweeping kind ; the mistakes are of the most catholic order, and trench with equal indifference on the hallowed precincts of history, chronology, biography, and philology."

To arrest the progress of such proceedings, I published, in 1863, under the title of "Record Revelations, a Letter to the Lords Commissioners of her Majesty's Treasury on the Public Records of Ireland, and on the Calendars of Patent and Close Rolls of Chancery in Ireland, recently published by their Lordships' authority, under the direction of the Master of the Rolls of Ireland." In this pamphlet, I alleged [1.] that "the prefaces to these two volumes, although purporting to be the result of lengthened original documentary researches, are, in the main, abstracted verbatim, without acknowledgment, from previously published works ; [2.] that the portions of the prefaces, not so abstracted, are replete with errors ; [3.] that the annotations are of the same character with the prefaces ; [4.] that the prefaces evince ignorance even of the nature of Patent and Close Rolls ; [5.] that the Calendar, or body of the work, as here edited, is, in general, unsatisfactory, and defective for either historical or legal purposes ; [6.] that the title-pages are incorrect, as the volumes do not include a single *Close Roll* ; [7.] that, although now given to the world as an *original* work, portions of these Calendars were *before printed*, and the *entire* prepared for the press, by the Irish Record Commission, more than thirty years ago."

I announced, that the archivists of Ireland repudiated

*all* connexion with this Calendar affair, in every step of which they had been ignored, to the detriment of the Public. "Justice," I wrote, "demanded that Government should discontinue the issue, in the present discreditable form, of these Calendars, abstracted without acknowledgment from the labours of others." I added, that "the sole question appeared to be, whether it might be more desirable to cancel them entirely, or to publish a supplement exhibiting accurately the portions which have been appropriated from other books, giving tables of the numerous errata, and supplying, from a collation of the original Rolls, the many important and serious deficiencies of these volumes."

The circumstances of this case were brought before the House of Commons in July 1863, by the Right Hon. William Monsell and Colonel F. P. Dunne. To the representations of these gentlemen, Mr F. Peel, Secretary of the Treasury, replied, that "as to the text of the work, its most important part, the editor's statement was satisfactory, and was corroborated by the Deputy-Keeper of the Rolls, [at Dublin,] whose testimony was unimpeachable. *His Calendar was quite complete, and without any omissions.*"

The editor's annotations and prefaces were frankly deprecated by the Secretary of the Treasury as the production of "a cobbler, blundering beyond his last," unqualified to comply with the rules of Sir John Romilly, and who consequently could not be intrusted with any work in the English historical series.\*

Mr Peel's statements were supported by two other members, and much indignation was for the time expressed by the Government officials against the "archivist," whom they would have represented as much in the same position

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\* See these points explained in "Record Revelations," pp. 96, 97.

which the demented Don Quixote assigned to the Canon, who burned his lying romances, and denied credence to the achievements of Amadis and his compeers. "Then, said Don Quixote, in my opinion, you, Canon, are the madman, and the enchanted person, since you have set yourself to utter so many blasphemies against a thing so universally received in the [official] world, and held for such truth, that he who should deny it, as you do, deserves the same punishment you inflict on those books when you read them, and they vex you."

Every scholar in Ireland conversant with archivism felt indignation at the attempt made, under official patronage, to foist these Calendars upon the Public as a specimen of Irish literary work. I trusted that the warning conveyed in "*Record Revelations*" might prevent the continuation of so improper a system. When, however, a third so-called "*Calendar*" was, at the national cost, issued in defiance of educated Public opinion, I deemed it my duty to again come forward. Accordingly, in January 1864, I published "*Record Revelations Resumed : a letter to the Right Hon. William Monsell, M.P., Colonel Francis P. Dunne, M.P., and Colonel Fitz-Stephen French, M.P., on statements recently made in Parliament on the Public Records of Ireland, and on the 'Calendars of Patent and Close Rolls of Chancery in Ireland,' lately published by authority of the Treasury, under the direction of the Master of the Rolls of Ireland.*"

In this pamphlet, I analysed and refuted every statement reported to have been spoken in the House of Commons in defence of the Calendars. By a further *exposé* of the contents of these volumes, I proved the case to be even worse than at first described ; and, on behalf of the Public, challenged an *open* investigation by any competent and independent tribunal. This second pamphlet, having augmented

the apprehensions in the Public mind of the pernicious results of the Record system attempted to be imposed upon Ireland, Government announced its intention of directing an inquiry into the affair. An investigation by scholars, in whose erudition and independence of Government the Public of Ireland had confidence, was loudly demanded. After the exposure of the official and legal certifications respecting the "accuracy and completeness" of the Calendars, it was supposed that the inquiry should be committed to persons thoroughly conversant with Irish archivism. Thus it was believed, that, on the nomination of the Commissioners, Government would have consulted such recognised and independent authorities as the Royal Irish Academy, and the Irish Archæological Society, which not only include the most eminent scholars of Ireland, but also the Duke of Leinster, the Marquis of Kildare, the Earl of Dunraven, Lord Talbot de Malahide, and Sir Thomas Larcom.

When, however, it was announced, that the investigation was to be made by two officers of the Rolls department in London, the Public concluded, that I had been correct in alleging the case to be one which would not bear the scrutiny of any competent and unofficial tribunal.

This appointment was regarded as the more ominous, since Mr Monsell in the House of Commons had stated that "Ireland had now scholars whose reputation in archæology was European, and, to such of them as had made the Anglo-Irish muniments their special study, should be committed the superintendence of all Government Record publications connected with that country."

The Irish Archæological Society and the South-east of Ireland Archæological Society had presented memorials to the Treasury, praying that the execution of any measures connected with the Public Records of Ireland should be

intrusted to such scholars. *Blackwood's Magazine* bore testimony to the labour and merit of "the wonderfully learned editions" produced by the Irish Archæological Society. The Commissioners themselves admit the erudition of Irish archivists in the following passage of their Report, page 1 :—

"We were specially instructed to inquire into the accuracy of certain allegations contained in a pamphlet, entitled 'Record Revelations,' in which the Irish Calendar of Mr Morrin is severely criticised for its inaccuracies, omissions, and mistakes. These charges are numerous; they are characterised by great ability, and have evidently been drawn up by an author acquainted with his subject. In fact, we do not remember to have seen, in England or in Ireland, any work of the same nature in which so much critical knowledge of this kind has been displayed, or which indicates a greater familiarity with archæological studies. The ability with which this pamphlet has been written, the deep interest it has excited everywhere in Ireland, the masterly and yet popular way in which the topics in it have been handled, the stringent criticisms to which it has subjected every page of Mr Morrin's work, are an evidence of the keenness with which these subjects are pursued in Ireland. They are also a proof of the importance attached to works of this nature by Irish scholars."

At page 16, the Commissioners write :—

"We are equally anxious that the skill with which the archivist has illustrated some of these obscure terms should not be deprived of its just commendation. The terms are confessedly difficult; the best glossaries afford very little help towards their elucidation; and the true meaning of them has been missed or misrepresented by able scholars. So much greater is the praise due to the archivist for working out their true solution, as he has done in a variety of instances."

And at page 21, they admit that the "archivist" has mentioned no less than four instances of "documents referring to the poet Spenser alone, and another to the poet's intimate friend, Lodwick Bryskett, disclosing facts unknown to former biographers."



The Commissioners to whom the investigation was intrusted by the Treasury were Mr T. D. Hardy, Deputy Keeper of the Public Records, London ; and Mr J. S. Brewer, also of the Rolls department there. As neither of these gentlemen ever edited Irish Records, the Public could not be expected to accept *them* as authorities on Irish archivism, no matter how eminent their acquirements might be in the departments of English history to which they have devoted their attention. Such English works are of a character too laborious and exacting to admit their compilers or editors to engage in the long and local studies requisite for a thorough comprehension of so complex a subject as Irish archivism. Of this fact evidence may be found in the works edited by Mr Hardy and Mr Brewer in the series styled "*Chronicles and Memorials of Great Britain and Ireland.*" Many of the incidental references to Irish affairs in these volumes are strangely inaccurate, and a passage written by Mr Brewer has given deep offence to Ireland. In his introduction to the works of Cambrensis, Mr Brewer, alluding to that writer's narrative of Irish affairs at the period of the Anglo-Norman descent, wrote as follows :—

"References to Julius Cæsar and quotations from Ovid sound strangely from the lips of Irish chiefs, who were as innocent of all scholarship as their descendants are, whom adverse fortune has driven to find shelter in nooks and corners inaccessible to Saxon policemen."\*

The Irish "chiefs" here alluded to are Roderic O'Connor, Monarch of Ireland ; Dermot MacMurragh, King of Leinster ; and Donall, Prince of Osraighe or Ossory. That

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\* Giraldi Cambrensis Opera, edited by J. S. Brewer, 1861, vol. i., Preface, p. xlvi.—Published by the authority of the Lords Commissioners of her Majesty's Treasury, under the direction of the Master of the Rolls of England.

Roderic was not "innocent of all scholarship," would appear from his Latin treaty A.D. 1175 with Henry II., of which Dr Thomas Leland wrote :—"It is observable that Henry treated with Roderic not merely as a provincial king, but as monarch of Ireland." A Latin diploma from Roderic to the order of Citeaux is still extant, together with a portion of the Latin correspondence of his brother and successor, Cathal, surnamed Crobh-dearg. The allegation that MacMurragh was "innocent of all scholarship," is not corroborated by the fact that we possess a large and elaborately written vellum volume, compiled for him by order of his tutor, Aedh MacCrimhthainn, described in old local writings\* as "the chief native historian of the men of Leinster, in wisdom, intelligence, and the cultivation of books, knowledge, and learning." We also possess Latin instruments executed by King Dermot, and authenticated with his seal. In a charter to a monastery which he endowed in his town of Ferns, this Leinster "chief," whom Mr Brewer supposed to have been "innocent of all scholarship," wrote as follows, "with the assent of his princes and nobles," stipulating that future abbots, and their successors, before appointment by the bishop, should be presented to him or his representative :—

"Universis Sanctæ Matris Ecclesiæ filiis, Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, et omnibus hominibus, tam clericis quam laicis, Dermotius, nutu Dei, Rex Lageniensium salutem : Sciatis quod ego, consilio et assensu, Principum et Optimatum meorum, dedi et concessi, et hac mea cartâ confirmavi Deo et Beatæ Mariæ Virginis, quam fundavi apud Ferniam, et Canonicis ibidem Domino servientibus, terras illas," &c.

During the middle ages, and subsequently, Latin was the

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\* "Betha ocus slainte . . do Aedh MacCrimhthain . . phrim-shenchaidh Laighen, ar gaes ocus eolus ocus trebaire lebur, ocus fessa, ocus foghlomma."

ordinary language used by the Irish in their communications with the Continent and England. Latin, says an old English chronicler, "they [the Irish] speak as a vulgar language, learned in their common schools." Of one of the chiefs, even in the remote district of Mayo, an English Lord Deputy wrote :—"I found MacWilliam very sensible, though wanting the English tongue, yet understanding the Latin."

We may next inquire respecting the "chiefs'" descendants, whom an English Commissioner for Irish Records represents not only as "innocent of all scholarship," but as "sheltering in nooks and corners inaccessible to Saxon policemen." Roderic O'Connor's representative is the O'Connor Don, a member of Parliament for the county of Roscommon; and his kinsman, Charles O'Connor, is the acknowledged head of the Bar of New York. The erudition of one of Roderic's descendants, whom Mr Brewer supposed to be "innocent of all scholarship," elicited the encomium of Sir James Mackintosh. Treating of Dr Charles O'Connor's work, entitled "*Rerum Hibernicarum Scriptores Veteres*," extending to four large quarto volumes of Gaelic writings with Latin versions, Mackintosh wrote :—"The Irish, though they are robbed of their legends by this authentic publication, are yet by it enabled to boast that they possess genuine history several centuries more ancient than any other European nation possesses, in its present spoken language. They have exchanged their legendary antiquity for historical fame. Indeed, no other nation possesses any monument of its literature, in its present spoken language, which goes back within several centuries of these chronicles."

This tribute to the authenticity and historical importance of these documents, it has been observed, came with more authority from such a writer as Mackintosh, "whose com-

mand over the wide domain of history enabled him fully to appreciate any genuine addition to it."

The second "chief," whose descendants are represented by Mr Brewer as hiding "from Saxon policemen," was Dermot MacMurragh, King of Leinster. Every English genealogist, however, knows that Dermot's daughter became the wife of Richard Fitz-Gislebert, surnamed "Strongbow," and that their descendants married the heads of the noblest families of England.

The present Irish representative of King Dermot is Art MacMurragh Kavanagh, Esquire, of Borris Idrone, in the county of Carlow, "whose pedigree," wrote the accurate O'Donovan, "is as well proved as that of any sovereign in Europe." So far from hiding "from Saxon policemen," this descendant of an Irish "chief" retains a valuable portion of the lands of his ancestors; and during the past year published an account of a voyage to Albania in his yacht, the "Eva," named after the daughter of his ancestor, King Dermot, described by Mr Brewer as "innocent of all scholarship."

A descendant of Donall, Prince of Ossory, the third "chief" referred to by Mr Brewer, became Baron of Upper Ossory, and was the favourite companion of King Edward VI. of England, several of whose letters to him are still extant. His descendant, the Right Honourable John Wilson Fitz-Patrick, is not a fugitive "from Saxon policemen," but a member of her Majesty's Privy Council in Ireland, Lieutenant and Custos Rotulorum of the Queen's County, in which is comprised part of Ossory, which he inherits from the Irish "chief" who, according to Mr Brewer, was "innocent of all scholarship." The Irish, at home and abroad, justly regard such matter, introduced into historical works by an editor *paid* from the Imperial Treasury, as little, if anything, less than premeditated insult, for circu-

## 12 *English Commissioners on Irish History and Language.*

lation through the world, and *that* with the greater injustice, as partly effected through the funds derived from the very country thus *irrelevantly* subjected to the narrow virus of a mere local or *Cockney* prejudice.

This feeling has not been diminished ; since in another portion of the same work of Mr Brewer the following passage occurs, which has been construed into an expression of contempt and aversion for subjects at all connected with the Irish and their history :—

“We would gladly have spared half-a-dozen whole lengths from his [Cambrensis'] gallery of Irish worthies and their conquerors, the M'Dermots, the Rodericks, even Strongbow himself, for a lively kit-cat of such a Pope as Innocent by such a hand as Giraldus.”\*

The sentiments thus enunciated with reference to Irish history are by the Public of Ireland associated with a passage in the Report we are about to consider, in which Mr Brewer and Mr Hardy write as follows of the old Irish language :—

“For the translation or deciphering of the Patent Rolls [of Ireland], it [the Irish language] is no otherwise valuable than a knowledge of Anglo-Saxon is to the student of mediæval Latin or of State Papers written in the reign of Henry VIII. or Queen Elizabeth. . . . In fact, precisely the same qualifications, and no others, are required for calendaring the Patent Rolls of Ireland as are required for calendaring the English Patent Rolls of the same period.”—*Report*, p. 5.

There is scarcely, however, a grant of lands registered on these Rolls of Ireland which does not present endless and curious combinations of Irish words and names, many of which were in “the songs of the poet and the legends

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\* Giraldi Cambrensis Opera, edited by J. S. Brewer, M.A., 1861, vol. i., Preface, p. lxi. London : Published by the authority of the Lords Commissioners of her Majesty's Treasury, under the direction of the Master of the Rolls of England. It may be mentioned here that no such name as “M'Dermot” occurs in Cambrensis.

of the saint when the names of Normandy and of Norman were unknown." The allegation of the Commissioners, that a knowledge of Irish for deciphering the Patent Rolls of Ireland is no otherwise valuable than Anglo-Saxon might be to the student of the documents of England of the sixteenth century, could only emanate from a nescience or ignoring of the historic antecedents of the two islands.

William of Malmesbury tells us, says Hallam, that the Anglo-Saxons gave up all for lost after the one battle at Hastings. Old Robert of Gloucester chronicles that the "high men of England" were the "folk of Normandy," and "the low men the Saxons." The Anglo-Saxons were stripped of their lands—starved, or obliged to sell themselves as slaves for food; their tongue was proscribed, and that of their French conquerors became the language of the court, the schools, and the law of England. The case of Ireland was diametrically different. The Anglo-Normans there became, to a great extent, identified and fused with the natives, whose language, laws, and customs they adopted. Nor was it till 1603 that the entire island was even nominally brought under English jurisdiction. We have a record of a Parliamentary declaration having been made even in Dublin in the Irish tongue; and official Irish interpreters were maintained by the English Government so late as the seventeenth century.

Returning to the views enunciated by the Commissioners on the subject of language, we read as follows at page 5 of their Report :—

"In fact, precisely the same qualifications, and no others, are required for calendaring the Patent Rolls of Ireland as are required for calendaring the English Patent Rolls of the same period."

In that great work, however, the Ordnance Survey of Ireland, Sir Thomas Larcom found that English engineers

#### 14 *English Commissioners versus Continental Scholars.*

could *not* settle the orthography of the Irish names to be used on the maps, until aided by scholars conversant with the native history, language, and antiquities of Ireland. Adolphe Pictet of Geneva, in his work, crowned by the Institute of France, has borne testimony to the high value of these Irish topographic labours. Schleicher and Ebel have also demonstrated to Celtologists the absolute necessity for a collation of the middle and comparatively modern Irish with the older forms, for fixing phonology and establishing an organic orthography. Such names as those found among the Irish denominations on the Patent Rolls are, in the eyes of these eminent German scholars, of more scientific importance in this department of linguistic palæontology than either the Gaulish inscriptions or the Kymric dialects. The philological and historical value of such materials is also sufficiently well known to those conversant with the labours of Förstemann, Glück, Buttmann, De Smet, and Isaac Taylor. Regarding the question in a mere *utilitarian* light, we find the opinion of the Commissioners at variance with the following testimony given before Parliament by the learned J. H. Todd, of Trinity College, Dublin, respecting the importance of the orthographic department of the Ordnance Survey of Ireland.

“ I may mention in a case that has come under my own knowledge, in reference to the property of Trinity College, I have frequently found considerable difficulty in consulting the deeds, charters, and ancient records connected with our property, from not being able to identify the spellings of the Irish names of parishes and boundaries mentioned in those records with the modern names.”

Sir William Petty, who executed a Survey of Ireland, acknowledged the difficulties which the Irish names imposed upon him. Swift tells us that the Irish denominations of lands were little suited to an English mouth, and

that, in trials of appeals to the House of Lords at London, the English lawyers found so much difficulty in repeating the names, that if the plaintiff or defendant were by, they would never be able to discover which were their own lands. The position that scholars competent to edit the Rolls of England would be fully qualified to elucidate those of Ireland is as untenable as the view put forward by these Commissioners, that *a knowledge of the old language of a country is not necessary for editors of its muniments!* The greatest scholars of France, where archivism has become an exact science, would not assume to deal with documents of the provinces with which they were not locally conversant. An archivist, qualified to edit the Patent Rolls of England, would, in encountering the Irish denominations and semi-Gaelic combinations on the Rolls of Ireland, find himself as much bewildered as Molière's Monsieur de Porceaugnac, when accosted in Languedocien by Lucette, or as were the English Government reporters when O'Connell addressed his audience in Irish. An instructive commentary upon such arguments as those enunciated by the Commissioners is to be found in the expansive and philosophic views expressed as follows to the Royal Irish Academy, by the late John M. Kemble, the historian of the Anglo-Saxons, and one of the greatest scholars and antiquarians ever produced by England :—

“Now, gentlemen, let us, with the full spirit of an enlightened patriotism, devote ourselves to the illustration of our own antiquities; let us love them, and, loving them, labour to bring them to light; but let us not believe that they are all we have to learn, or that they convey all that can be taught.

“Let us look upon them only as links in one great chain, which embraces many nations, and many periods of human culture, which has no place of its own, unless considered in co-ordination with other links in a still greater chain, but the full elaboration of which is necessary



before its cosmic relation can be well and thoroughly comprehended. Let us be sure that we are not exclusive, but comprehensive, in what we do ; and let us, above all things, never lose sight of this great truth, that the interests of man have at all times led to a close communion between the several divisions of his race,—that nothing can be dissociated in history, and that nothing must be dissociated in the study of archæology.

“ While labouring to perfect our own portion of the work, let us look out abroad, and encourage our fellow-labourers to perfect theirs ; and let us make them feel as we feel ourselves, that the work can only be profitably done when all men are called to lay their hands to it.”

It might be unjust, however, to leave the reader under an impression that the narrow views which the Commissioners so infelicitously admitted,—perhaps unwillingly, in endeavouring to frame an apology for their department,—are such sentiments as they would have enunciated in a matter in which they were not officially pressed. Of this we have an evidence in their observations on the Carew Manuscripts at Lambeth, which are of the same age with the Patent Rolls under consideration, and specially connected with Ireland. In their Report on these papers, treating of a matter in which their department was uncompromised, they expressed, as follows, an opinion identical with mine, and totally *opposite* to that given in their apology for the Calendar, as will be seen on comparison of the parallel passages.

*Messrs Hardy and Brewer on the Patent and Close Rolls of Ireland.*

“ It also seems to us that, in the pamphlet referred to [‘ Record Revelations’], statements are made of a nature to confuse the public mind, and disparage Mr Morrin’s qualifications for his task, by insisting upon his ignorance of the ancient Irish tongue ; and it is assumed, more than once, that none but ‘ competent Irish scholars ’ are fitted to deal with public rolls and records. Now the documents upon which Mr Morrin was employed are written exclusively in the Latin or English language, as used

in official documents of this class in the reign of Henry VIII. and his successors. We have not been able to discover a single roll in which either the Irish language was used,\* or for the correct translation or interpretation of which a knowledge of the Irish language was indispensable. That some acquaintance with the ancient Irish is a great acquisition, we do not deny ; but for the translation or deciphering of the Patent Rolls, it is no otherwise valuable than a knowledge of Anglo-Saxon is to the student of mediæval Latin or of state-papers written in the reign of Henry VIII. or Queen Elizabeth. As might have been expected ; for these documents emanated, in both countries, either from the English sovereign or from his council in Ireland.† Irish language was the very last they would have employed. *In fact, precisely the same qualifications, and no others, are required for calendaring the Patent Rolls of Ireland as are required for calendaring the English Patent Rolls of the same period.* And if this author, [the archivist,] by insisting on Mr Morrin's ignorance of the Irish language, wished his readers to infer that those Rolls were written in Irish, or contained Irish phrases, for the correct interpretation of which a knowledge of Irish was indispensable, he has led them into a grave error."—*Report*, pp. 4 and 5.

*Messrs Hardy and Brewer on the Carew Papers at Lambeth—*

"The Carew Papers preserved in the Archiepiscopal Library in Lambeth Palace contain most important materials for the history of Ireland, and extend from the reign of Henry the Second to the end of the reign of Queen Elizabeth. . . . That collection in its present state, and which Todd describes as 'an inestimable mass of the most important evidence,' consists of ancient chronicles and histories of Ireland, Journals of the proceedings of the Lord Lieutenants of Ireland, their instructions, state-papers, copies of proclamations, acts of Parliament, orders of council, ordinances, commissions, memorials, petitions, decrees, interrogatories

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\* Yet, on turning to a *fac-simile* prefixed to the second volume of the Calendar, we find on it an entry in the Irish character ! More than one Patent Roll of Ireland might be mentioned on which entries in the Irish character appear.

† The emanation of any Patent or Close Roll from the King or his Council would be a brilliant discovery in archivism ! The Rolls never emanated from either of these sources, and on them are registered many documents unconnected with either King or Council.

and examination of witnesses in political and criminal proceedings, certificates, declarations, estimates, perambulations, royal charters and letters patent, private grants, indentures and agreements, plans of castles and fortifications, matters connected with the army in Ireland, maps and surveys of towns, counties, and provinces, original warrants and letters, (among them a valuable collection in the handwriting of Secretary Cecil,) &c., many of which are copies of important documents not now known to exist. . . .

*"Owing to the difficulties attendant on Irish names of persons and places, we think that the editorship of such a Calendar should be intrusted to a competent Irish scholar, not only familiar with Irish history generally, but with the names of individuals and localities referred to in the correspondence."*—Report upon the Carte and Carew Papers by T. D. Hardy and J. S. Brewer, London 1864, pp. 11–13.

On an important section of this Calendar inquiry the Commissioners *acknowledge their deficiency of information*. One of the charges against the Calendars was that of extensive plagiarism. Under this head I showed that the editor had appropriated, without acknowledgment, many entire pages from the works of Irish archæologists, an acquaintance with whose labours is indispensable for comprehending archivistic questions connected with Ireland. Of this department the Commissioners admit as follows, page 19 of their Report, that *they did not possess any knowledge*:—*"We do not know, in the absence of proof, how far we are to accept as literally true his [the archivist's] assertion that 'seven-eighths' of Mr Morrin's prefaces are 'extracted verbatim' from previously printed books . . . . and but for the labours of the archivist in pointing them [the plagiarisms] out, we should never have detected them."*

I demonstrated by references, that much of the prefaces and text of the Calendars is composed of plagiarisms from the volumes of the Irish Archæological Society, some of whose works, in this department, stand as models of arch-

ivism. Such are the "Statute of Kilkenny," edited by Hardiman ; the Ordinance for the State of Ireland, in the reign of Edward I., edited by the late Rev. Richard Butler ; the Chartulary of All Hallows, Dublin ; the Indentures of the Lords of Connaught with Elizabeth ; and various other documents cognate with Patent and Close Rolls. So little, however, are the Commissioners conversant with Irish archivism, that they *totally ignore these works*, which were extensively plagiarised in the Calendars ; and, referring to the Royal Irish Academy and the Irish Archæological Society, they with a marvellous boldness write as follows at page 4 of their Report :—

"Hitherto, at all events, amongst all their services to the literature of Ireland, they [the Academy and Irish Archæological Society] *have never come forward as experts in this kind of Record lore.*"

Having premised thus far, we come to the consideration of the "Report of Messrs Brewer and Hardy, laid before the Treasury by Sir John Romilly, in reference to the publication of the Calendar of the Patent and Close Rolls of Ireland." From this document, we learn that these gentlemen, during their mission to Ireland, *carried on their work altogether in concert with the officials of the Rolls Court, Dublin, whence the arraigned Calendars had been issued.* Throughout their Report, they refer to *none but officials or parties directly or indirectly implicated in the Calendar transaction* ; nor is there proof given of their having consulted any recognised *unofficial* authority in Ireland. In some parts of the Report, the Commissioners profess to deal with the matter impartially ; but the entire tenor of the production is that of an apology or defence of the Rolls department against extern criticism,—reminding us of the litigant who declared he only desired "a fair and impartial witness—on his own side of the question." The

Commissioners introduce into their Report several passages tending to leave an impression that they had to deal not with a public question, but with a private controversy. They even go so far as to represent that "the archivist" was actuated by "animosity;" that he has "caught at every opportunity" of rendering a Dublin law-clerk "odious and ridiculous;" that he has displayed an anxiety to "crush him at all hazards;" and, as his "accuser and opponent," evinced "indifference as to the means employed" for accomplishing that purpose! In this they seem forgetful of their situation and their duties as *paid public employés*; and they actually ask, at page 13 of the Report, "By what right" are charges brought against the editor? They even denounce, (page 15,) as "attacks" upon the Rolls officer, the specimens given by the archivist, exhibiting the defective mode in which the grants of lands appear in the so-called Calendars. But they totally ignore Mr Monsell's reference, as follows, in the House of Commons, to the true position of the matter :—

"Every one acquainted with the character of the Master of the Rolls of Ireland, should feel that he had acted, as he thought, for the best, and the editor was said to have creditably discharged the duties connected with his clerkship in the Courts. He [Mr Monsell] had no wish to deal severely with the editor, who might efficiently fulfil the duties of his situation, as a clerk, in the office of the Rolls Court, but the Calendars demonstrated his inability to elucidate or edit ancient muniments."

Nor do the Commissioners bring forward the following specific statement made by me at page 89 of "Record Revelations," setting forth the objects which impelled me to enter upon this task, "*namely, to do justice to labourers whose works have been unfairly appropriated; to vindicate the real historic literature of Ireland; to arrest the misdirection of a well-intentioned national expenditure; to indicate the proper steps to be taken to remedy the present*

*neglected and precarious condition of the great body of the Irish Public Records ; and to let the world see the true obstacles which impede the production of accurate and solid historical works in this part of the empire."*

Had the Commissioners been more conversant with Irish intelligence, they might have known, that their attempts by personalities to divert attention from the main points at issue would be regarded as an exhibition of weakness, and as a mere rehash of the pithy instructions given by a solicitor to his lawyer, who, on opening his brief found only the following words :—" A bad case—no defence—abuse plaintiff's attorney ! "

The Commissioners essay also to prejudice their readers against " the archivist," by alleging, at page 18 of their Report—

" It was on the presumption of the superior skill of the archivist, and his superior fidelity in consulting the originals, that his criticisms gained credit among Irish scholars. They would have attached much less importance to his censures had they been *aware* that these criticisms were, in a great degree, based on presumptive evidence only, and that the archivist, in accusing Mr Morrin of unfaithfulness to his originals, had never consulted those originals himself."

They appear, however, to have ventured this and other statements on the " presumption " that those among whom *their* Report was circulated might not refer to " Record Revelations," at page 61 of which I wrote as follows :—

" The most conclusive mode of testing the accuracy of the entries in the Calendars would be by collating them with the original Rolls of which they are alleged to be abstracts ; but such a course is precluded by the official intimation quoted at page 6 [of 'Record Revelations'], that the *paid* keepers of these documents '*have not time to attend to*' *historical inquiries*. Relying, however, on *independent sources*, I shall examine the Calendars in their principal departments—grants of lands and other hereditaments, of offices, and of pardons."

The Commissioners should have mentioned, that the Patent and Close Rolls at Dublin are practically in the *personal charge of the editor of the Calendars*; and they acknowledge that during their investigation they “had to keep him constantly employed in producing the documents required.” At page 15 of the Report, the Commissioners admit that the observations of the “archivist,” on confessedly obscure terms, “display much research and acuteness.” This attestation will be considered but an inferior tribute to his sagacity, when we shall see in the sequel that the Commissioners themselves *have come nearly to the same conclusions* with him after an examination of the documents which they allege that he dealt with only through “presumptive evidence.”

For the defence of the Rolls department, the Commissioners strain every point, and have recourse to a variety of elaborate subtleties, devised, no doubt, with the aid of experienced lawyers and able special pleaders :

“To put to flight the man, whose labour would  
To their dark shades let in Heav’n’s golden ray.”\*

Such a strong official organisation for the defence of error would remind us of a circumstance mentioned by Antoine Hamilton, the inimitable Irish author of the *Mémoires de Grammont*: “Sir,” said the Chevalier de Grammont, “the Prince de Condé besieged Lerida; the place in itself was nothing; but Don Gregorio Brice, who defended it, was something.”

The Commissioners, however, although filling twenty-three folio pages with copious verbiage and circumlocution, arrive at many results, *little different from those which I put forward in my first pamphlet*. The chief points which the Commissioners contest are as follows :—

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\* Edward Fairfax.

I. They declare, that the archivist was wrong in that part of his seventh allegation in which he stated that Calendars of the same Patent and Close Rolls were "prepared for the press by the Irish Record Commission more than thirty years ago."

II. They distinctly deny, that *any entry* registered on the Rolls which they examined has been omitted in the so-called Calendars.

These allegations of the Commissioners shall be disproved in due sequence. I shall now recapitulate *seriatim* my original charges, and exhibit the mode in which they are treated in this Report or apology for the Rolls department.

*Allegations I: and II.*

"That the Prefaces to these volumes, although purporting to be the result of lengthened documentary researches, are, in the main, abstracted *verbatim*, without acknowledgment, from previously published works; that the portions of the Prefaces not so abstracted, are replete with errors."

These charges *are not contested* by the Commissioners, who, at page 19 of the Report, write as follows, under the head of "Objections to Prefaces and Notes :"—

"The Prefaces of the two volumes, for Mr Morrin was requested by the Government to add no Preface to the third volume, extend to 117 pages. If it is intended that this restriction shall remain in force, we do not see that we are called upon to interpose our judgment between Mr Morrin and his opponent; the Government has in effect already decided the question. At best it is a literary question."

The decision of the Government here alluded to must be regarded as a full admission; but their refusal to pay for the Prefaces does not exculpate them from having printed, sold, and circulated at the Public expense, literary property unjustly appropriated. The original portions of the Prefaces



abound with errors calculated, as has been shown, *seriously to mislead those who accept them under the Government stamp*; which stamp has also been set upon the blunderingly libellous passages against Trinity College, and its learned librarian.

The doctrine above laid down respecting piracies must, if sanctioned by the Master of the Rolls, tend to justify every kind of appropriation hitherto deemed contrary to law. If an English Chancery tribunal decide, that the appropriation of mental property is at best but "a mere literary question," we shall, no doubt, find ere long, horse-stealing justified as a matter of equine taste; gold robbery as a matter of bullion taste; and bank robbery as a mere question of banking taste. In such cases, following the present precedent laid down by the Rolls officials, the law will, we presume, not be called upon to "interpose its judgment" between the plunderers and their victims.

It, however, can scarcely be supposed, that the doctrines of these Commissioners, on the subject of literary property, are sanctioned by Sir John Romilly. No special pleading could reconcile the Public to attempts at justification of such piracy as that by which part of the literary inheritance of the orphans of the late eminent and self-sacrificing scholar, Dr John O'Donovan, has been appropriated in these Calendars. On a somewhat similar case,—that of Newberry's piracy of Cook's voyages,—Charles Reade wrote as follows:—

"Captain Cook sailed twice round the world, and made great discoveries. But in his next voyage he was murdered by some savage islanders, and left his log and his MSS. In that he was a sailor his nation honoured, and wept him; in that he was an author, his nation rifled his dead body, and swindled his widow and children: *c'est de rigueur*. The voyages pirated by Newberry were Cook's voyages.

"Compare now the acts of labour that created that copyright, with the

one paltry act of labour employed to steal it. The gallant seaman did not skim his facts off another man's milk. He wrought for them, soul and body. He encountered wet, cold, tempests, dangers innumerable, to write this book. He gathered every page of it with his life in his hand. A miserable badger that never stirred a mile from his hole, sits down by the fireside, and with a few days' easy work, shortens and condenses the bare pages that years' labour, fortitude, courage, and suffering had produced, and undersells them hopelessly. Any judge worthy to sit, except in a pillory, would have seen the lion's blood, and sweat, and life on those sacred pages, and would have revolted against the badger and his barefaced fraud. But no, these judges could only sympathise with the brainless pilfering vermin that prey on brave and honest authors. The pseudo labour of the badger stealing by the fireside the travelled lion's mighty labour, and his sweat, and his blood, that they could see and reverence; it reminded them of a pettifogger. The lion and *his labour*, and his rights, were too big for these puny judges to see at all. In their hands the balance had but one scale, and into it they put the dirt, and flung the gold out of court. The French law is just the same at bottom as the English law; only the French has been interpreted by judges worthy of the name."

### *Third Allegation.*

"That the Annotations are of the same character with the Prefaces."

To this charge, and my analysis of the Annotations, extending from page 50 to 55 of "Record Revelations," an answer is not attempted beyond the following, in which *no* effort is made to disprove even *one* of the ludicrous errors which I pointed out in this section:—

"As regards notes, we think your Honour [Sir John Romilly] has wisely imposed restrictions in this respect upon the editors employed by you in England, and that where notes are allowed, they should be confined to the briefest explanations of difficulties as to dates, or readings, or meanings of words, or occasional references to important documents necessary for the elucidation of the text. They should not expand into archæological disquisitions only incidentally connected with an editor's work. In some instances of this kind Mr Morrin seems to have been more generous than prudent."—*Report*, page 19.

As considerable portions of the so-called annotations have been pilfered from other writers, it remains to be explained how such appropriations can be consistent with generosity, unless we accept a new interpretation of the well-known line—

“Do good by *stealth*, and blush to find it fame.”

#### *Fourth Allegation.*

“That the Prefaces evince ignorance even of the nature of Patent and Close Rolls.”

At page 59 of “Record Revelations” I showed, as follows, that the six lines of the Preface to the first volume of the Calendars, page xxxvii., descriptive of the documents forming the material of the work, contained four grave errors:—

“1. Patent Rolls were not, [as stated in the Calendar,] ‘open grants,’ but merely the *enrolments* or copies of such grants. 2. Close Rolls were never styled ‘*clauses*’ till so named in these Calendars. 3. Close Rolls did not [as stated in the Calendar] contain ‘sealed’ writs from the Crown, but only abstracts of such documents: indeed, it would be utterly impracticable to *roll* up, as here mentioned [in the Calendar,] a number of parchments, each bearing an impression in wax of a Great Seal. 4. Close *Letters*, confounded in this Calendar with Close *Rolls*, were not, as above stated [in the Calendar,] accessible and directed solely to ‘officers;’ but, on the contrary, ‘*Literæ Clausæ*’ were commonly addressed to any individuals to whom the sovereigns desired to transmit their orders on either public or domestic matters.”

*None* of these errors is defended by the Commissioners, who put forward, by way of reply, the following statements, in which they essay to merge my fifth charge, which was “that the title-pages of the Calendars are incorrect, as the volumes do not include a single Close Roll:”—

“As to the charge of the archivist that Mr Morrin is ignorant of the distinction of Patent and Close Rolls, and that in prefixing this title to

his book, which does not contain a single Close Roll, he has given indisputable indications of his incompetency, we have only to observe that, if the critic had studied the originals, he would have discovered that this title is found on the Roll itself, 5 Edw. VI., viz., '*Rotulus Clausus Patentium Cancellar. Hibern. de anno R. Edwardi Sexti quinto.*' His dissertation on the differences of the Close and Patent Rolls, and the inference he endeavours to establish to the prejudice of Mr Morrin, are inapplicable. True in theory, and as applied to the more regular practice prevailing in England, in Ireland the essential distinction between Close and Patent Rolls was disregarded, and the series edited by Mr Morrin continued to be known and called by the name of 'Close and Patent Rolls,' even when no Letters Close were entered upon them."—*Report*, p. 19.

My statement, that the Calendars do not contain a single *Close* Roll, is proved by the editor *himself*, who has given the title of "*Patent* Roll" to every Roll described by him—with the exception of the Roll above referred to by the Commissioners, which he heads merely as follows, at page 234 of his first volume, without stating it to be either Patent or Close :—

"5 Edward VI."

Nor could the Commissioners point out in those Calendars any Roll to which the title of "*Close* Roll" or "*Patent and Close* Roll" has been prefixed by the editor himself. The Commissioners, from want of knowledge of Irish archives, have fallen, in this section, into the serious error of stating that "in Ireland the essential distinction between Close and Patent Rolls was disregarded." Had they been conversant with Irish Records, they could not have committed this blunder ; the extent of which will be understood when I mention that the following "*Close* Rolls" are still extant even in the Rolls Office, Dublin, where the Commissioners carried on their investigations!—Edward II., 4 *Close* Rolls ; Edward III., 2 *Close* Rolls ; Richard II., 7 *Close* Rolls ; Henry IV., 2 *Close* Rolls ; Henry V., 1 *Close* Roll ;

Henry VI., 9 *Close* Rolls; Edward IV., 1 *Close* Roll; Henry VII., 1 *Close* Roll; Edward VI., 1 *Close* Roll; Elizabeth, 2 *Close* Rolls; Charles I., 2 *Close* Rolls.

*Sixth Allegation.\**

"That the Calendar or body of the work, as here edited, is, in general, unsatisfactory, and defective for either historical or legal purposes."

That these conclusions are practically admitted by the Commissioners will appear from the following passages of their Report:—

"We agree with him [the archivist] in thinking that wherever localities and subdenominations are found in the originals they ought to appear in the abstracts. Such notices of lands and their occupiers *are of the utmost importance to the topographer, the historian, and the lawyer*; and if omitted are apt, as the archivist observes, to mislead the Public."—*Report*, p. 13.

"We think, therefore," they continue, "that in this respect *Mr Morrin's work does not come up to the requirements of modern scholars*," (page 14.) They further acknowledge that the editor "*injudiciously omitted, in certain instances, specifications of lands and localities which are found in the original Rolls.*"† At page 11 the Commissioners write:—The archivist's "other objections apply to matters of detail or differences of opinion as to the *plan and execution* of the work;" and they add, "*in many of his remarks we agree with him.*" "We admit," they continue at page 18, that the editor "*has been guilty of errors which we would gladly see avoided*; we admit also that *the archivist has done good service to the cause of historical literature in pointing out those errors.*"

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\* The fifth allegation has been discussed with the fourth, at pp. 26–27.

† This it was impossible to deny, in face of the flagrant deficiencies exhibited in the comparisons of the Calendar grants, at pages 143–46 of "*Record Revelations.*"

The apologists having thus *acknowledged* the defects and omissions of the so-called "Calendars," proceed at page 19 to consider "in what way" these "omissions and errors may best be remedied," and suggest a "table of corrigenda for the ordinary *blunders of misreading, or mistranslations, or errors in date.*" These, with the omissions of portions of entries, we may infer are of vast extent, as the Commissioners write of them and of a proposed index of names, which are omitted from the Calendars, that the preparation of "such a work will no doubt impose *much* labour" on the editor. "We therefore," they add, "recommend that he should have aid in the compilation, if he require it, and that *the remuneration should be on a scale commensurate with the arduousness of the task.*"

It is almost superfluous to observe here, that every one, having occasion to use official record Calendars, knows that they should not only be scrupulously correct, but above suspicion. A single error is sufficient to destroy confidence in a work of this class, since no inquirer can tell whether the portion he may have to refer to is not one of those mentioned by the Commissioners as characterised by "*omissions, blunders of misreading, mistranslations, or errors in date.*" On the latter section of these admitted errors, we have the opinion of Sir Harris Nicolas, expressed as follows:—"If history should be studied as a science, that mankind may learn from the past what to expect in the future, it necessarily follows that all the facts which history records ought to be referred, with mathematical precision, to their proper dates; for if one of them be misplaced, the inferences drawn from it will be founded on false premises.— . . . 'Uncertainty,' as Lord Chief-Justice Coke truly observes in reference to this subject, 'is the mother of confusion;' and," adds Nicolas, "he might have found in Falsehood another parent for Confusion."

### 30 *Commissioners oppose Sir J. Romilly and "Archivist."*

The inconsistencies into which the Commissioners are betrayed in their attempts to *apologise* for the Rolls department in this Calendar transaction may here be further illustrated. They admit, as we have seen, that these Calendars do "not come up to the requirements of modern scholars;" and they state that to supply even partially their defects and omissions will be an arduous task, involving heavy labour. At page 16, however, after having acknowledged the editor's errors also in translations and decipherments, they write as follows:—

"But we must altogether demur to his [the archivist's] conclusion, that Mr Morrin's failures in this respect prove his general incompetency to perform the task intrusted to him, and vitiate all the rest of his book."

Here the Commissioners contradict the views on these points approved of by the Master of the Rolls in England, to whom the Report is addressed. In demurring to my conclusion, they demur to that of Sir John Romilly, whose "Instructions to Editors," as follows, are published under the superintendence of one of the Commissioners, Mr T. D. Hardy *himself*, as Deputy Keeper of the Public Records of England:—

"The Master of the Rolls [in England] considers that, without superseding the necessity of consulting the originals, every editor ought to frame his Calendar in such a manner that it shall present, in as condensed a form as possible, a correct index of the contents of the papers described in it. He considers that the entries should be so minute as to enable the reader to discover not only the general contents of the originals, but also what *they do not* contain. *If the information be not sufficiently precise,—if facts, and if names be omitted or concealed under a vague and general description,—the reader will be often misled; he will assume that where the abstracts are silent as to information to be found in the documents, such information does not exist; or, he will have to examine every original in detail, and thus one great purpose will have been lost for which these Calendars have been compiled.*"

It is thus shown, even on the evidence of the Commissioners themselves, that I was fully justified in my allegation that “the Calendar or body of the work, as here edited, is, *in general, unsatisfactory, and defective for either historical or legal purposes.*”

I shall now exhibit two specimens of the strangely bold mode in which the Commissioners *profess* to meet some of my charges. At page 12 of their Report we read as follows :—

“Passing, then, from the charges of plagiarism and omission, we come to the third head, viz.: ‘That the grants of *titles and offices* given in these volumes are defective and valueless, as they omit the important clauses of the patents.’ This charge appears to us to have been made by the archivist without consulting the original rolls. He assumes that the originals, of which the abstracts are given by Mr Morrin, contained ‘numerous clauses of the highest interest,’ omitted by that gentleman, and brings three instances to prove his assumption. His instances and his assumptions are equally unfortunate. *In the first of the three instances alleged by him, the patent had been already set forth in detail by Mr Morrin, (Calendar I., p. 370,) and it would have been unpardonable in Mr Morrin to have repeated it; of the second (16 and 17 Eliz.) Mr Morrin had informed his readers (p. 554) that the original roll did not exist, but that the deficiency had been supplied by him from an old official Calendar; the same remark applies to the third. We must report, therefore, that this charge, like the former, is without any foundation.*”

Here the Commissioners distinctly state, that in the first of the three instances alleged by him (the archivist) “the Patent had been already set forth in the Calendars, vol. i., p. 370, and that it would have been unpardonable in the editor to have repeated it.” Turning to page 66 of “Record Revelations,” which they *profess* to quote, we find that the Patent, which I alluded to as having been calendared in a useless mode, was that of Thomas, Earl of Sussex, to the office of Lord Deputy in Ireland under Queen Elizabeth.



To invalidate my statement, the Commissioners distinctly declare, as above quoted, that this charge is without any foundation, and that this Patent of Queen Elizabeth had been already set forth in detail at page 370 of the first volume of the Calendars. What *can* the Public think of the *accuracy* of these Commissioners, when, on referring to the page of the Calendar which they have quoted, it will be found *that the Patent there given is not one, as they certify, of Elizabeth, but of Philip and Mary?* So far indeed from being a Patent of Queen Elizabeth, as they allege, the Calendar, with its usual blundering, has in the version of this Patent of Philip and Mary given it as if issued *entirely in the name of the King instead of in the names of the King and Queen*. It would certainly be a new fact in English history, overlooked by those English Record Commissioners, if it could be shown that, during the lifetime of Queen Mary, the English Governors for Ireland were, as these Calendars represent, appointed solely in the name of her husband, Philip of Spain. After this specimen it might be deemed superfluous to consider the Commissioners' remarks respecting the grounds on which they pronounce against the second and third instances in this section, brought by the archivist to prove what they style his "unfortunate assumptions." As a matter of curiosity, however, and to exhibit the complications of this "meddle and muddle" transaction, I shall give another specimen of the mass of error in which they are here inextricably involved.

"Of the second, (16 and 17 Elizabeth,) Mr Morrin," the Commissioners above write, "had informed his readers, p. 554, that the original Roll did not exist." Here it is intimated by the Commissioners that there is *no* Patent Roll of the 16 and 17 years of Elizabeth. But in the Preface to the second volume of the Calendar, page vii., the editor asserts as follows, *that this Roll is extant!*

“ After this [the 26th of Henry VIII.] the Patent Rolls are preserved in almost a regular series with the following exceptions. Of the reign of Elizabeth there is no Patent Roll of the 15th year ; of Charles I. the third part of the 10th year, 1635, has been lost or mislaid for many years.”

The Commissioners above (page 31) assert that there is no foundation for my statement, as follows, that the three Letters-Patent referred to contain

“ Numerous clauses of the highest interest, illustrating regal and vice-regal prerogatives ; the state of the English Government in Ireland ; the exact nature of the offices conferred, and descending so far into details, as to prescribe minutely even the fashion and emblazonry of the baton of the Queen’s Marshal in Ireland.”—*Record Revelations*, page 66.

They declare the foregoing statements to have been made by the archivist without consulting the original Rolls, and that “ his instances and assumptions are equally unfortunate.” That the “ unfortunate assumptions ” are altogether on *their* part is further proved by the following extract from the Patent of Elizabeth’s Marshal for Ireland, above alluded to by me, but which *they* would lead their readers to believe does *not* exist !—

“ *Damus etiam ac per præsentes, pro nobis, hæredibus et successoribus nostris, concedimus præfato Comiti Essex, quòd ipse et quilibet deputatus suus, ratione dicti officii, habeat, gerat, et deferat infra regnum nostrum Hiberniæ, tam in præsentia nostra, hæredum et successorum nostrorum, quendam baculum aureum ad utrumque finem de nigro annulatum, et cum signo armorum nostrorum hæredum et successorum nostrorum in superiori fine dicti baculi, et cum signo armorum dicti Comitis Essex in inferiori fine ejusdem baculi, insculpto et ornato, licitè et impunè absque impetitione nostra hæredum vel successorum nostrorum, vel justiciariorum aut officiariorum seu aliorum ministrorum nostrorum hæredum vel successorum nostrorum quorumcumque.*”

We might after this well exclaim—

“ Who’ll wage war with Bedlam or the Mint ? ”

The following may, however, be cited as a second specimen of the bold system by which the Commissioners seek to ignore some of my plainest statements, presuming apparently that their readers might not refer to "Record Revelations." At page 8 of their Report they write as follows :—

"For this assertion, 'that a *large* portion of the text' of these volumes is composed of plagiarisms, the *archivist is satisfied with comparing half a page at the commencement of the first volume* with an imperfect Calendar of Henry VIII., prepared by the Irish Commissioners in the year 1830. *In relation to the rest of Mr Morrin's first volume, he brings no proof whatever of the accuracy of his assertion; none to the second or the third.* Admitting, by way of argument, that the charge was proved in relation to *this half-page of the first volume*, we think that the archivist was not justified on so *slender a proof* in his sweeping assertion 'that a *large* portion of the text' was plagiarised. We think, also, that a writer anxious to do justice to his opponent, or conduct a controversy within the ordinary bounds of fairness, would have hesitated before pronouncing such a decision, until he had further tested the truth of his assertion, *or enabled his readers to do so by precise indications of such plagiarisms in the general body of a work extending to many hundreds of pages.* To have substantiated his charge, he was bound to show that similar appropriations might be detected *elsewhere* beyond that of a *solitary fragment*.

"But upon examining more minutely into the subject, it will be found that these so-called plagiarisms consist of similarity of words and phrases used in describing the contents of a few formal and unimportant documents of no great length; where, if rightly described, it would hardly be possible for any two calendarers to vary much in their modes of expression; nay more, in proportion as they understood their work, and epitomised such documents accurately, both would proceed in the same manner, and adopt the same formal expressions, as such expressions are determined by the essential clauses of the document. *If there were any great variation between them, the one would be right and the other wrong.*"

How superfluous it would be to occupy space by replying to such apparently circumstantial assertions may be judged when I mention, that so far from having been satisfied with comparing *half a page*, as above stated, my mere "enu-

meration of some of the plagiarisms in the text" of Vols. I. and II. of the Calendars, *with specimens in double columns, extends from page 124 to 134 of "Record Revelations Resumed."* Among these "plagiarisms," passed over by the Commissioners, is a document in Irish and English, appropriated verbatim from the late Dr John O'Donovan, scarcely to be justified by such arguments as the foregoing—that a calendarer totally ignorant of Irish *adopted a mode of translation exactly similar with that of so eminent a Gaelic scholar!*

On the wisdom of the concluding lines in the above extract from the Report there can scarcely arise any question; and I have no doubt that my readers will appreciate the profundity of the doctrine so solemnly laid down by the Commissioners, that where two calendarers differed essentially, "the one would be right and the other wrong!"

For these *vast plagiarisms in the text*, an exculpation has not been adduced even so low as that urged in palliation of the Government toleration of the pilferings in the Prefaces—namely, that the "Treasury refused to pay for them." On the piratical adaptations of many documents in the *text* of the Calendars proved\* by me to have been before printed at the Public expense, we are supplied with a commentary by a vigorous English advocate of literary honesty:—"A clever horse-stealer has been known to dock a stolen horse's tail, trim his mane, paint him, *and sell him to the owner for a strange horse*. This last is a cut quite above an adapter: yet I have never heard that it was accounted to the horse-adapter for righteousness, or patted on the back by Law."

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\* See "Enumeration of some of the plagiarisms in the text of the Calendars,"—Record Revelations, pages 125, 126.

*Seventh Allegation.*

"That, although now given to the world as an original work, portions of these Calendars were before printed, and the entire prepared for the press by the Irish Record Commission, more than thirty years ago."

This charge is copiously discussed by the Commissioners, who reprehend the archivist for even insinuating that the Public had been *twice taxed* for the same work. Mainly on the faith of certificates from the editor of the Calendars and another Dublin Rolls official, they report that *no Calendar* had ever been prepared of the Patent and Close Rolls under consideration, *with the exception of twenty-four pages* of the reign of Henry VIII., printed under the late Record Commission for Ireland. Impartial observers might consider that such interested witnesses should scarcely be introduced; but here again we are recalled to a scene from the "Tragedy Rehearsed," where *Puff* declares, "O Lud, sir! if people were not always connived at in a tragedy, there would be no carrying on any plot in the world."

The Commissioners conclude, that the Calendar alluded to by the archivist never was executed, as they could not find it, a style of reasoning somewhat similar to that of the father of "Tilburina," who declared to his mad daughter,

"The Spanish fleet thou canst not see—because  
—It is not yet in sight!"

In this important matter the Commissioners appear not to have been fairly dealt with by those on whose representations they relied. The Public, however, are satisfied to attach more credence to a document, which I print in my Appendix I. as *signed and sealed by Lord Chancellor Manners, the Earl of Charlemont, the Bishop of Kildare, Sir William MacMahon, Master of the Rolls for Ireland, and*

*Lord Norbury, Chief Justice of the Common Pleas.* These five personages, by writings authenticated with their signatures and seals, certified to the King and Council of England in the year 1819, that under the Irish Record Commission, a *Calendar of all the Patent and Close Rolls of Ireland to the end of the reign of Elizabeth had been completed, containing upwards of 12,000 pages ; that considerable progress had been made in the revision of same for printing, and that indices of names and places containing 5412 pages had been concluded.*

If, accepting the decision of these Commissioners, we conclude, on the certificate of two clerks of the Dublin Rolls Office, that *the English Lord Chancellor Manners, and the Scotch Bishop of Kildare, combined with the Irish Sir William MacMahon, Master of the Rolls, and Lord Norbury, Chief Justice of the Common Pleas, to declare a direct and substantial falsehood*, we are met by another obstacle. The declaration of these five personages is sustained by a certificate, also printed in my Appendix, from the six following gentlemen, constituting the "Committee of Observation under the Record Commission :"—*William Ball, Roderick Connor, Steuart King, John Brinkley, Francis Corbett, and William Shaw Mason.* Brinkley, one of these gentlemen who are now represented as having *combined to indorse a falsehood* respecting the Calendars, was an Englishman of the most accurate and precise mathematical mind. He held the post of Professor of Astronomy in Trinity College, Dublin, became Bishop of Cloyne and President of the Royal Irish Academy.

We now learn, from the Report of Messrs Brewer and Hardy, that this great Calendar of 17,412 pages has disappeared, and that I was wrong in conjecturing that so valuable and costly a piece of Public property remained in "safe and responsible custody!"

Messrs Brewer and Hardy were so misled as not only to declare that "there is sufficient reason for believing that no such catalogue" ever existed, but they denounce the archivist as unscrupulous, for alleging that it was compiled in a "superior and satisfactory form;" and for having instituted a comparison between a work which they allege he had never seen, and the labours of Mr Morrin; and this they ascribe to the anxiety of the former to depreciate the work of the latter.

What, however, will the reader think when I state that the three specimens in "Record Revelations Resumed," (p. 143 to 146,) showing *the vast omissions of the new Calendar, are taken verbatim from pages 36 and 37 of the old printed Calendar, in the Public Library of the Royal Irish Academy, Dublin, but which the Rolls Officials certify to have never been printed beyond page 24!* As a further *exposé* of these official certificates, and to exhibit the *alleged superiority* of the new work over the *old* Calendar, I annex a fourth specimen taken from page 34 of the latter, which the Rolls Officials certify to have never been printed beyond page 24.

ABSTRACT OF GRANT AS PRINTED IN THE CALENDAR OF 1861.

"61. Surrender unto the King, by the Bishop and Clergy of Meath, of all procurations, in recompense and satisfaction of the parish church of Loghsewdy, and the chapels of Clonecally, Bonowne, and Oghwall, parcels of the church of Loghsewdy, March 16, 36°."—Vol. I., p. 111.

ABSTRACT OF GRANT AS PRINTED AT PAGES 34 AND 35 OF OLD CALENDAR, WHICH THE COMMISSIONERS DECLARE NEVER TO HAVE BEEN EXECUTED BEYOND PAGE 24.

[The Italics denote the omissions of the Calendar of 1861.]

"LXI.—18. Grant by *Edward*, Bishop of Meath, and his clergy, to the King *and his successors for ever.*—*The following procurations, viz. 47s. 8d., issuing out of the late abbey, monastery, or house of Duleke, and all the churches united and appropriated to said abbey;—out of the*

*late priory or monastery of Kenles, and the churches of Tristelkeran and Aula Lapidea, and all other appropriate churches of the said priory, 15s. 4d. ;—out of the priory or monastery of St Peter, near Trym, and the churches of Newton, near Trym, Rathregan, Athsy, Galtrym, Churchestown, Ardsallaghe, Rathtayne, Roberteston, Kylbeggan, Laskyn, St Thomas, of Loughsewdy, Eneskoy, and all others annexed to the said priory, £10, 19s. 4d. ;—out of the late priory of St John, near Trym, the churches of Tullaghennok, Fynnor, Arrendell, and all others thereto annexed, 14s. 4d. ;—out of the late hospital, monastery, or house of St John, of Drogheda, and all the churches thereto united, 6s. 8d., Ir. ;—out of the late priory of the Holy Trinity, of Lesmollen, and its churches, £4, Ir. ;—out of the late abbey or monastery of Odder, and its churches, 13s. 4d, Ir. ;—out of the late abbey or monastery of Clonarde, and the church Killeen and all other its churches, £1, 8s. ;—out of the late priory of Ballybogan, and the churches of Ballybogan, Kylbrid, Crinegedaghe, Kylbrid Weston, and all other its churches, £4 ;—out of the late monastery of Trysternaghe, and the churches of Trysternaghe, Lynleyn, Leyghyn, and other its churches, £6, 7s. 4d. Ir. ;—out of the late priory, monastery, or cells of Duleke and Colpe, £5, 6s. 8d. ;—out of the late priory of Fower, and the churches of Fower, Feghini, Dorsynkill, Faghill, Cowley, and other its churches, £5, 5s. ;—out of the late abbey or monastery of the B. V. Mary, of Trym, and the churches of Clonarde, Kyldake, &c., £2, 10s. 4d. ;—out of the churches of Scryne, Kilcarne, Alomney,\* Doweston, Daveston, Kyllene, and all others in the diocese of Meath united or appropriated to St Mary's Abbey, Dublin, £2, 13s. 4d. ;—out of the churches of Dunamore, Rathouth, Grenoke, Kyllleglan, Donsaghlen, Trevet, Balmaglassen, and all others in said diocese belonging to the abbey of Thomas Court, Dublin, £4, 6s. 8d. ;—out of the late abbey of Mellyfaunt, and all its churches, £1, 11s. ;—out of the late abbey of Novan, and the churches of Novan, Ardbraccan, Ballieske, Kylsheny, Clonemaduffe, and all its churches, £5, 3s. 4d. ; out of the late priory of the B. V. Mary, 'de Urso,' near Drogheda, and all its churches, 5s. 8d. ;—out of the late priory, or house of Kylkenny, and all its churches, 13s. 4d. ;—out of the late priory, or house of Loghsewdy, and all its churches, £2 :—amounting in all to £61, 7s. 8d., Ir.,—yearly: which the Bishop gives up to the King for ever, in full satisfaction and requital of the parish church of Loghsewdy, in Westmeath Co., and the chapels of Clonecally, Bonowne, and Oghwall, mem-*

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\* From this locality Sir William Somerville takes his title of Baron of Athlumny.



bers of the said churches of Loghsewdy; and also of all the messuages, lands, tithes, oblations, alterages, profits, possessions, and hereditaments, spiritual and temporal, in and of the fields and towns of Loghsewdy, Sawlysshe, Molemyaghe, Ballyncorro, Moyaghen, Clonnecalle, Forgeny, Kylmaghan, Newcastle, Crevaghmore, Bonowne, Oghewall, Gortmore, Kycornan, Donemore, Ledossan, Ballycanore, Cregan, Moghnaghe, 'le Downen,' Marre, Clonekein, Cloncallan, Rathmore, Lekeyll, and Crevaghbeggs, and elsewhere, members and parcels of said church and chapels, to be united, annexed, and appropriated to the Bishopric and See of Meath.—16 Mar. 36th."

After the preceding exhibition of the position of the Commissioners in the present section, the reader will feel indignant, that they should have assailed me as follows on this point, at page 9 of their Report :—

"There is sufficient reason for believing, as we shall show presently, that *no such catalogue ever existed* as that to which the archivist refers; but, supposing that there had been, before he ventured to charge Mr Morrin with reproducing it 'in an imperfect and comparatively valueless mode,' the archivist ought at all events to have taken the requisite means for substantiating his assertion by an actual comparison of this Calendar with Mr Morrin's; otherwise the charge assumes the nature of a calumny."

We next come to consider the subject of omission. At page 61 of "Record Revelations," I wrote—

"The comparatively limited number of grants of lands and hereditaments registered in these volumes demonstrates conclusively that either the Calendars are very incomplete, or the Patent Rolls themselves incredibly defective in their contents; and here we look in vain for various important Irish grants, passed during the reigns of Henry VIII., Edward VI., Mary, and Elizabeth."

Again, at page 140, I continued on the same point—

"I have to observe that no justification can be offered for the omission of the vast number of important grants unnoticed in these volumes, which purport to be not only 'Calendars of the Patent and Close Rolls of Chancery of Ireland,' but also to supply such chasms as may exist in these documents by the introduction of extraneous matter, to the enormous extent exhibited under the head of 'Plagiarisms in the text.'"

It will be seen that I mentioned above, that when *ex-*

*traneous* matter had been introduced to fill chasms in the Rolls, such important grants as those which I indicated should not have been omitted. The Commissioners, however, with the apparent object of weakening my authority, write at page 6 that "he [the archivist] positively and repeatedly accused the editor of omitting from his Calendars [entire] entries of great importance found upon the Rolls."

They admit (page 6), *that the value of the Calendars would be entirely destroyed if the "charge of omission," which they deem the most formidable, should be established.* By this they mean the omission of *any entire entry* existing on the Rolls, since they have, as we have seen, acknowledged that various important *portions* of entries have been omitted. On this subject they continue as follows, at page 6 :—

*"It is impossible, we think, to deny that the plain and obvious purpose of these remarks [of the archivist] is to charge Mr Morrin with having been guilty of unpardonable neglect and carelessness in omitting from his Calendars entries of great importance found upon the Rolls. WE HAVE TO STATE THAT WE COULD DISCOVER NO FOUNDATION FOR THESE STATEMENTS."*

We have here a distinct and solemn certificate, *that no important entry existing on the Patent and Close Rolls in question has been entirely omitted in these Calendars.*

This is a statement on the accuracy of which not only depends, as the Commissioners themselves admit, the question whether the Calendars are *entirely valueless* or not, but on it must also turn *the value to be attached to the Report itself.* At page 2 the Commissioners declare that they examined "every Roll separately ;" subjected the Calendars "to the most strict and searching scrutiny ; collated every one of the entries word for word with the originals ; extending their inquiries in this way to 300 pages in the first volume, to 213 in the second, and to 200 in the third." The result of their inquiries, they assert, is founded on a careful and precise examination of the

Calendars and Rolls. Having thus brought to a point the question respecting the worth of the Calendars and of the Commissioners' Report, I shall now produce conclusive evidence of the truth of the charge of omission and of the inaccuracy of their certificates. On the Patent Roll of Ireland for the year 1543-4 is an important entry recording the grant of an entire territory of about 34,000 acres in the county of Galway, including manors, lordships, towns, and townlands, to Sir Dermod O'Shaughnessy or O'Seachnusaigh. That family was, in the seventeenth century, deemed in Connaught second only to the house of Clanrickard; and members of it have attained eminence in church, state, and army, not only in Ireland, but in France, India, and Australia. The grant referred to should have appeared in the Calendar as the thirty-eighth article of the Patent Roll of the thirty-fifth year of Henry VIII., on which it is registered. The so-called "*complete*" abstracts of the contents of that Roll extend from page 101 to 105 of the first volume of the Calendar of 1861, *but no entry of the patent to Sir Dermod is to be found there or in any part of that work!* That this patent to O'Shaughnessy *exists on the Roll* is placed beyond all question by the copy of it now printed in my Appendix II., *from that certified by the Deputy-Keeper of the Rolls at Dublin*, as transcribed officially from the Roll above mentioned!

I have thus established conclusively the charge, by proving which, in the words of the Commissioners themselves, the "*value of the Calendar would be entirely destroyed.*" The accuracy and reliability of their Report, which has cost the country £310,\* may now be readily estimated.

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\* "Miscellaneous and temporary objects ordered by the House of Commons, 2d March 1865, page 20. Mr Hardy and Professor Brewer, examination of Calendars of Irish Records, prepared by Mr Morrin, L. 310."

After the appearance of my first pamphlet, the Deputy-Keeper of the Rolls at Dublin gave his solemn certificate that the Calendars "*were quite complete, and without omissions;*" and this document was produced in the House of Commons by Mr F. Peel, who accepted it as "unimpeachable testimony." My second pamphlet having demolished this certificate, the Deputy-Keeper of the Rolls at London certifies, with his colleague, that there are numerous *omissions of portions of grants, but that no entry has been entirely omitted.* The second certificate I have now proved also to be incorrect by evidence under *the hand of the very official who pledged himself to the Treasury that the Calendars were "quite complete, and without any omissions!"*

"—— Nothing canst thou to damnation add  
Greater than that!"

What is to be thought of a system under which grants of property may not only be practically, and with impunity, expunged from the records of the realm, but the revenue of the Empire expended in propping up such courses, by publishing elaborate official certificates of a character to bar all inquiry, and assailing, in language such as the following, any scholar who attempts to raise his voice on behalf of truth, honesty, and the Public?—

"We admit that the latter [the editor of the Calendars] has been guilty of *errors which we would gladly have seen avoided;* we admit also that the archivist has done good service to the cause of historical literature in pointing out those errors. At the same time, we cannot see without pain and regret his anxiety to crush Mr Morrin at all hazards, and *indifference as to the means employed for accomplishing this purpose.* He (we use the singular for convenience only, not knowing whether there be one or more authors of the pamphlet in question) has, with the same unsparing severity hurled every kind of charge against the Calendars, whether they were true or false, weighty or trivial, and has throughout shown himself *more hasty to prefer than able to substantiate his accusations.* Such methods of attack may

triumph for a time, but that triumph is dearly bought which brings lasting discredit upon the author; and we trust, after *the careful examination we have made of Mr Morrin's Calendars and the charges of his opponent, all of which we have most minutely examined with the originals*, that Irish scholars will be better able and more willing to do justice to both parties."—*Report of Messrs Brewer and Hardy*, page 18.

The matter I have now proved is of such a serious nature, that if brought forward at the commencement of the present publication it should have been regarded as conclusive on the character of the Report. It was, however, deemed more desirable to place it in its present position, after the exhibition of the modes in which the Commissioners have dealt with my charges against the Calendars. I now repeat my demand for a public investigation of the entire affair by competent and *unofficial* Irish archivists, and feel satisfied their verdict will be that *the Calendars should be cancelled as not only worthless, but misleading, and that the entire work must be done over again*. Hesitation or refusal on the part of the Government to institute such an investigation will be properly estimated by the Public.

We may next consider the recommendation made by the Commissioners, on "what way the omissions and errors of these Calendars may be best remedied." On this point they write as follows, at page 26 :—

"The main substantial objection affecting the utility of Mr Morrin's Calendars is the omission of localities and subdenominations of lands mentioned in the Rolls. We therefore propose that Mr Morrin should compile a complete index of all names of persons and places mentioned *in the Rolls*, whether found in his Calendars or not; in other words, a perfect Index Nominum et Locorum, from the reign of Henry VIII., where his work begins, to the end of the reign of Charles I.; this index to be made applicable to the volume, page, and number of the entry of Mr Morrin's own Calendars. Such an index will be of incomparable advantage: it will at once supply all the omissions of which the archivist complains. . . . For the ordinary blunders of misreading, or mistranslations or errors in date, it will be sufficient for Mr Morrin to add a table

of *corrigenda*, especially where these corrections cannot be made, as we anticipate many of them can be made, in the index we propose. We may observe that such an index as we have here suggested, though somewhat unusual, is not without precedent. The University of Oxford, in one of its latest catalogues of a large collection of its MSS., has sanctioned the compilation of an index of names, &c., not referring to the calendar or catalogue, but to the MSS. themselves from which the catalogue is compiled."

Ordinary persons might find a difficulty in understanding how an index could be made applicable to the pages of the Calendars, which it is admitted do not contain a large proportion of the matter proposed to be indexed. Perhaps, however, a solution may be found through the Commissioners' phraseology at page 5 of the Report, where they write of the body of the work having been represented as being "*replete* with" "deficiencies and omissions"—that is, *full* of what it *does not contain*! Thus Jean Baptiste Rousseau wrote :

" Tout est dans l'esprit des lecteurs,  
Tandis que rien n'est dans l'ouvrage !"

In cases of omissions of entire entries similar to that noticed at page 42, the proposed index would be utterly impracticable, nor could it supply the details of the positions which the lands occupied in the grants defectively calendared. The proposal that an inaccurate translator should not only *correct his own mistakes, but be well paid for doing so*, is original, and recalls Moore's verses on "mending a great Major-General's grammar :"—

" But, lo, a fresh puzzlement starts up to view—  
New toil for the Sub.—for the Lord new expense :  
'Tis discover'd that mending his grammar won't do,  
As the Subaltern also must find him in sense !"

An index such as that proposed, of names existing on the Rolls but not in the Calendars, would be both use-

less to the Public, and opposed to the principles laid down by Sir John Romilly, printed as follows, in his "Instructions to Editors of Calendars," *under the superintendence of Mr T. D. Hardy himself*:—

"The greater number of the readers who will consult and value these works can have little or no opportunity of visiting the Record Office in which these papers are deposited. The means for consulting the originals must necessarily be limited when readers live at a distance from the metropolis; still more if they are residents of Scotland, Ireland, distant colonies, or foreign states. Even when such an opportunity does exist, the difficulty of mastering the original hands in which these papers are written will deter many readers from consulting them. Above all, their great variety and number must present *formidable obstacles* to literary inquirers, however able, sanguine, and energetic, *when the information contained in them is not made accessible by satisfactory Calendars.*"

The Commissioners' comparison of these Calendars with a catalogue of manuscripts at Oxford is inapplicable. The Oxford manuscripts are matters of historical and literary curiosity, but the Patent and Close Rolls of Ireland are muniments connected with property and title. Of the extent of the matter required to supplement these so-called Calendars an idea may be formed from the specimens given at page 38, which shows that in one entry alone the editor has omitted little less than one hundred local names. That this is not a solitary instance may be seen by also referring to the specimens which I gave of defective entries at pages 143, 144, 145, 146, 197 to 201, of "Record Revelations."

On the whole, the Public will no doubt exact the execution of the first of my original suggestions: require the work to be cancelled entirely, as was done in certain instances in England, and demand Calendars properly executed under those archivists of Ireland in whom they have confidence. The Commissioners, although not directly

proposing the above course, write as follows on the subject :—

“It [Record Revelations] will also serve as a warning against careless and perfunctory methods of calendaring. That mode which was formerly confined to a brief and vague description of documents, *owing to the searching criticism it has received in this pamphlet*, has now become impossible. To your Honour, [Sir John Romilly,] who has always been opposed to that method, it will be no novel thing to hear it stigmatised as *worse than inefficacious and unreliable*; or to be told that Public opinion demands that these official Calendars—if they are to be worthy of the patronage under which they are issued, and justify the expense bestowed upon them—must present *accurate and faithful* abstracts of the documents they profess to describe. Whatever indulgence may be extended to occasional inaccuracies, to which all books are subject, to errors of omission, if we may judge from this pamphlet, no toleration will be given; and in that judgment, for our part, we are inclined to concur with the archivist, his readers, and many eminent Irish scholars.”—*Report*, page 22.

At page 12 of the Report the Commissioners, in essaying to apologise for the Calendar transaction, have written that the “book must either be bad indeed, or the mind of the critic [archivist] most unhappily constituted, which can discover nothing but one universal blot” in such a work. The Public, however, will agree with my judgment, when they remember the following passage, written by Ben Jonson, on productions of small importance in comparison with the Records of the realm :—

“Nothing, in our age, I have observed, is more preposterous than the running judgments upon poetry and poets; when we shall hear those things commended, and cried up for the best writings, which a man would scarce vouchsafe to wrap any wholesome drug in; he would never light his tobacco with them. And those men almost named for miracles, who yet are so vile, that if a man should go about to examine and correct them, he must make all they have done but one blot. Their good is so entangled with their bad, as forcibly one must draw on the other’s death with it. A sponge dipt in ink will do all :



———‘ Comitetur Punica librum  
 Spongia.’  
 Et paulò post,  
 ‘ Non possunt . . . multæ . . . . . lituræ  
 . . . . . una litura potest.’ ”

In continuation, the Commissioners proceed to suggest rules which they consider should be adopted in the volumes of Irish Patent Rolls, to be published hereafter.

On this point they write as follows, page 20 :—

“ Needless circumlocution, such as ‘ lordship or manor,’ ‘ rights and members,’ ‘ tenements and cottages,’ ‘ fortresses and castles,’ and all formal phrases employed in the conveyance of land, are to be avoided. We consider, for the purposes of a calendar, that the words, ‘ manor, with appurtenances in A, B, C,’ &c., will be sufficient ; and *that it is not necessary to specify the extent or description of acreage of the several dependencies. Not that such information is not valuable ;* but regard must be had to space, and the main duty of a calendarer is to compile such an abstract, or rather such an index, to the materials contained in the Rolls as shall guide, not supersede, the search of the inquirer ; it is enough for the lawyer, topographer, or antiquarian to learn that information of which he is in quest is to be *found in such and such documents ;* and this information ought to be conveyed in the *briefest possible manner* consistent with correctness. That is all most inquirers either wish or require. *No abstract, however detailed, will satisfy all classes of inquirers.* We think also that space might be gained by using single letters for words of ordinary recurrence, as m., manor ; co., county of ; s. h., son and heir ; wardship and m., wardship and marriage ; and in liveries of lands we recommend the condensed form employed in the English State Paper Calendar of Henry VIII.”

The above proposal, of publishing *abstracts in the briefest possible manner* of the *Irish Records* concerning property and title, cannot be accepted by the Public. It is even at variance with the views elsewhere expressed, as follows, *with Government approval, by one of these Commissioners, on the Close Rolls of England*, documents whose chief value consists merely in illustrating history :—

“ In being furnished with a transcript of the documents themselves, the reader can suffer no disappointment ; for it often happens that what

is deemed worthless by some, may be held by others to be of the greatest value ; nor can he have any anxiety to see the originals, instigated by the possibility of discovering some different reading, or other matter which had escaped the notice and proper attention of the abstracter. So important, indeed, has it been thought for every document to be printed in the most correct manner, that in many instances obliterations of whole sentences have been retained (though marked as effaced in the original) as essential to the meaning, it being impossible without them thoroughly to understand the document in which they occur, as the scribe appears frequently to have erased words fatal to the sense, forgetting at the moment the structure of the sentence ; and, consequently, unless the effacement or obliteration had been retained, the instrument must have appeared to be incapable of rational construction ; whereas, by exhibiting it to the reader whole and entire, he is enabled to ascertain its real meaning. For these reasons it has been deemed expedient to give a complete and literal transcript ; in short, as close a *facsimile* of the originals as modern types would admit.”—*Introduction to Calendar of Close Rolls of England*, 1833, page ix.

Mr Hardy has also in the same work given important examples of the necessity of *printing Records in the most literal manner*. He has shown “that so simple, and, as it might seem at first sight to some persons, so unimportant a matter as the mere ‘*Teste*’ of a writ is often of the utmost consequence, and that in many cases, by the means of attestations, circumstances and occurrences transmitted to posterity by our ancient chroniclers and historians may be verified.”

It will be regarded as scarcely tolerable by the Public that Commissioners, after admitting the defects we have shown in the Calendars, should in their Report anticipate that an erring editor may be authorised by Government to continue his labours on the Patent Rolls of Ireland during the reign of James I.! At page 19 of the Report, the Commissioners enter upon the consideration of errors which they suppose they have detected in the archivist’s pamphlet, the importance of some of which

may be estimated by the following passage from page 15 of the Report :—

“ The archivist prints the paragraph thus : ‘ Shall make *out* true and perfitt inventori.’ In the original it is : ‘ *one* true and perfitt,’ &c. Ten lines after he prints the words, ‘ By bill *indeutid*, it ought to be *indentid*.’ ”

The Commissioners themselves write that “ to magnify slight errors of this kind would be unjust to this writer, [Archivist,] as all candid men will allow.” They should, however, in justice have added, that a wide distinction is to be drawn between the typography of pamphlets and that of Record publications. The latter, issued from the Government press, are executed, it is always presumed, under the superintendence of experts in this class of work to which extreme accuracy is essential.

At page 17 the Commissioners write that in more than one instance where the Archivist has accused the editor of blundering, the blunder is not the editor’s, but the original scribe’s. Thus they seek to justify the translation of *a Bishop of Ossory* into the “ *Lord Ollor*,” and of *St Nuadhan* into a *wooden milk vessel*. But when Mr Hardy offers shelter under such arguments, he appears forgetful of the system laid down by himself,\* that whenever he found either clerical or grammatical mistakes in documents, he denoted these inaccuracies “ by an underline, to indicate that such errors did not escape attention.” Under this category comes the following, at page 15 of the Report :—

“ In other instances, he [‘ the Archivist ’] taxes Mr Morrin with committing blunders where he himself is wrong and Mr Morrin is right ; thus, at p. 201, (2d edition,) he condemns Mr Morrin for spelling the word Aghmacartie, adding ‘ *sic*,’ as if to draw attention to the fact, and spells the word in his own abstract four times Aghmacarte, adding a

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\* General Introduction to Calendar of Close Rolls of England, by T. D. Hardy, 1833, page 9.

note that the name is incorrectly styled Aghmacartie in the Calendar, whereas in all these instances he is wrong, and the reading in the original is exactly as Mr Morrin has given it !”

Had the Commissioners any acquaintance with Ireland, they could not have allowed themselves to have been misled into so ludicrous a statement as the foregoing. No such place as *Aghmacartie* existed in Ireland. If they had referred to the thirty-fourth sheet of the Ordnance map of the Queen's County, they would have found the name there written Aghmacarte, as I have given it under the authority of O'Donovan and Larcom.\* With apparent satire the Commissioners, at page 16, characterise as “a grave mistake” the error which I pointed out of the Calendar translation of “a *saddle* into a *seal*.” There are, however, other translations in these Calendars not less ludicrous, than if the editor had represented documents as passed under the King's “great saddle” for England or Ireland, instead of under His Majesty's great seal.

At page 15 the Commissioners write that the Archivist was wrong in not translating the appellation “*Dapifer*” by the English word *Sewer*. On this point I merely quote the following commentary from a laborious English work :†—

“*Dapifer* has been *ignorantly* translated *Sewer*.”

The Commissioners, at page 21 of the Report, take credit for having given the following, which they characterise as an “interesting memorandum,” annexed to the poet's

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\* I explained at page 201 of “Record Revelations” that the name of Aghmacart was derived from the Irish *Achad mic Airt*, or Field of the Son of Art. Thus in Gaelic Annals of the twelfth century, its burning is referred to—“Daurmagh Ua-n-Duach, Achadh mic Airt, Cúl Caissin, agus Fearta caerach do loscadh.”

† The Pictorial History of England, being a History of the People as well as a History of the Kingdom, by G. L. Craik and C. MacFarlane, &c., vol. i. p. 567. London, 1847.

appointment to the office of Register or Clerk of the Chancery of Ireland in 1580 :—

“ Given free from the Seale to Mr Spenser, in respect he ys secretaire to the Right Honourable the L. Deputy.”

This entry they suppose to have “ escaped the notice ” of the Archivist ; who has, they admit, brought to light interesting matters in connexion with Spenser and his friend Lodovico Bryskett, “ disclosing facts unknown to former biographers.” Another evidence is here afforded of the dangers into which *English* Commissioners may fall in pronouncing upon *Irish* Records. So far from the exception having been made especially for the poet, the same concession was usual in Ireland to the holders of similar offices, as the following instances show :—

Zachary Peers, appointed Chief Chamberlain of the Exchequer, April 30, 1593.—“ Patent given free from the Seal, in respect he is the Lord Deputy’s Secretary, and also by his Lordship’s directions.”

George Robinson, appointed Keeper of Writs of Court of Common Pleas, Dublin, July 2, 1594.—“ Patent given free, in respect that he was an officer in the Common Pleas.”

John Slade, appointed Chirographer, July 2, 1594.—“ Patent given free from the Great Seal to Mr Slade, in respect he is an officer in Her Majesty’s Common Pleas.”

Richard Cook, appointed Chancellor of Green Wax of Exchequer, Jan. 26, 1596.—“ Patent given free, in respect that he was a principal officer, *according to ancient custom.*”

It must be a cause of regret to all interested in accurate historical literature that Mr Hardy and Mr Brewer should have stooped to appear even as partial apologists for matters against which every *true* scholar must revolt. These Commissioners would have acted more prudently had they given the Rolls Department the homely advice of honest Sancho—“ Let us leave the filth in the corner ; it is the worse for stirring.” As the matter stands, they are circumstanced somewhat as indicated by the Portuguese

axiom — “Quem com caens se lança, com pulgas se levanta.”

The Report assumes the condemnation of a system to be that of an individual. The editor of the *Calendars* and his official supporters were inculpated no further, than was necessary to abolish the pernicious system of which they were the exponents in the eyes of the public. It appears, indeed, almost incredible that Sir John Romilly, as Master of the Rolls and head of the Government Record Department of England, should approve of the sentiments expressed in this Report, officially addressed to him, on the subjects of literary property and archivistic work.

I might enlarge on many points of this Report, in which the Commissioners, to support their apologies, even at page 15, quote from “*Record Revelations*” a passage *not* to be found in that publication! Enough, however, has already been exhibited in the foregoing pages to render superfluous further discussion either on the “*Calendars*” or on the Report.

The attempt to apologise has neither been successful, nor has it brought credit on those who engaged in it, although supported by influential departments, aided by the public funds and the Government printing office. I, meanwhile, in asserting the cause of the Public and of honesty, stood in the position of the tailor of Cantillo, so renowned in Spain, who sewed for nothing and found thread himself!

You, gentlemen, are aware that *while large sums from the Imperial Treasury have been expended on Record works in England, the archæological literature of Ireland has been denied similar assistance.*\* By self-devotion and personal sacrifice alone has this branch of Irish learning

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\* For details of those grants, see “*Record Revelations Resumed*,” pages 193–196.

54 *Continental Opinion on Treatment of Irish Scholars.*

been brought to the high eminence which it now holds throughout the historical and philological world.

Of one of the ill-requited scholars, to whom we are pre-eminently indebted for having advanced our country's reputation in this department, a profound Continental philologist has written as follows :—

“ J'ai lu avec un vif intérêt la brochure sur O'Donovan et ses travaux,\* mais elle m'a laissé une véritable impression de tristesse. J'ai peine à concevoir comment un homme de ce mérite a trouvé si peu d'encouragements pour des travaux qui ont illustré son pays. Il faut que les *prejugés Saxons contre tout ce qui est Celtique* soient encore bien vivaces pour expliquer une pareille indifférence.”

It is not, therefore, surprising that indignation should have been expressed in my pages against an attempt to appropriate the labours of those who, for so high a national and unselfish object, “thought and strove, and knowledge tried to glean.”

Such a system, moreover, if not repudiated and held up to proportionable public scorn, would have rendered the archivists of Ireland contemptible in the eyes of the scholars of the world, who might justly conclude that they had commenced

“Downwards to climb and backwards to advance.”

The result of the entire affair here discussed must confirm the views which I *originally* put forward on the necessity of promptly establishing in Ireland Record arrangements *similar to those already provided for England and Scotland*. Under that system a recurrence of such unhappy mistakes as those which I have exhibited would be impossible ; and every class of investigators could satisfactorily procure that information and assistance in their re-

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\* “On the Life and Labours of John O'Donovan, LL.D.” Dublin, W. B. Kelly, 8 Grafton Street, 1862.

searches *now* unobtainable. The question, as I have demonstrated in my previous pamphlets, does not affect Ireland alone ; and on this head, the Commissioners, at page 3 of the Report, confirm my views as follows :—

“Independently of the interest which such a subject naturally offers to Englishmen as well as to Irishmen, as an integral portion of the history of the two kingdoms, it must be evident that, regarded merely as records of a most momentous period in the life of the two nations, such documents cannot be regarded with indifference ; without them the true history of Ireland never can be written. . . . On this point, as it seems to us, public opinion is unanimous.”

I have but to add, in conclusion, an observation respecting the remark of the Commissioners quoted at page 43, that they know not “whether there be one or more authors” of “Record Revelations.” Whatever may be the merits or demerits of these publications they are entirely my own. In their production I have neither sought nor obtained co-operation or aid from individuals or bodies, although I doubt not that there is more than one scholar in Ireland quite as competent to deal with the subject, as

GENTLEMEN,

Your obedient Servant,

AN IRISH ARCHIVIST.





## APPENDIX.

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### I.

EVIDENCE RESPECTING COMPILATION OF THE NOW  
MISSING CALENDARS OF PATENT AND CLOSE ROLLS  
OF IRELAND, A.D. 1819-29. *See page 37.*

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IRISH RECORD COMMISSION.

*Supplement to the Eighth Annual Report.*

*I. The Commissioners' Supplemental Report.*

To His Royal Highness George Prince of Wales, Regent of the  
United Kingdom of Great Britain and Ireland, in Council,—

We, the Commissioners constituted and appointed by His Majesty's  
Royal Commission, bearing date the thirtieth day of August, One thou-  
sand eight hundred and ten, for carrying into execution the measures  
recommended in the humble address of the House of Commons to  
His Majesty, with respect to the state of the Public Records of Ireland,  
and the necessity of providing for the better arrangement, preservation,  
and more convenient use of the same : whereby we, the said Commis-  
sioners, are authorised and empowered to nominate and appoint, from  
time to time, persons of ability, care and diligence, to act as Secretary  
and Sub-Commissioners to be employed in methodising, regulating,  
and digesting the Records, Rolls, Instruments, Books and Papers, in  
His Majesty's several Offices ; and in causing such of the said Records  
as are decayed and in danger of being destroyed to be bound and  
secured ; and in making exact Calendars and Indexes thereof ; and in  
superintending the printing of such Calendars and Indexes and origi-  
nal Records and Papers, as should be ordered to be printed ; and to  
certify unto the Commissioners of His Majesty's Treasury, for the

58 *Evidence as to Compilation of Calendar of Patent Rolls.*

time being, what would be a fit and suitable recompense to such Secretary and Sub-Commissioners respectively for their pains and services in the execution of the duties required to be by them performed : And we, the said Commissioners, or any three or more of us, are further required, on or before the twenty-fifth day of March in every year, during the continuance of the said Commission, to certify to His Majesty's Privy Council, in the manner therein directed, all and every of the several proceedings of ourselves and the said Sub-Commissioners, had by virtue of the said Commission ; together with such other matters, if any, as might be deserving His Majesty's royal consideration, touching or concerning the premises ;—do most humbly beg leave to certify to your Royal Highness that we have proceeded in further execution of the several works stated in our last Report to your Royal Highness in your Privy Council ; and we now beg leave most humbly to lay before your Royal Highness the following matters, as an Appendix or Supplement to our said eighth Annual Report on the Public Records of Ireland. And we further beg leave most humbly to state to your Royal Highness that at the present time we have not any other matters to offer to your Royal Highness's consideration, touching or concerning the premises, or any further matter to propose thereupon.

All which is most humbly submitted to your Royal Highness's consideration.

MANNERS, [*Chancellor of Ireland*] L[ocus] S[igilli].

CHARLEMONT, L.S.

CHARLES, [*Bishop of*] Kildare, L.S.

WM. M'MAHON, [*Bart., Master of the Rolls for Ireland,*] L.S.

NORBURY, [*Chief Justice of Common Pleas,*] L.S.

DUBLIN, 22d January 1819.

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“The SPECIAL REPORT of the COMMITTEE OF OBSERVATION, made pursuant to orders dated the 17th day of March 1817, and the 19th day of May last.

*Catalogues, Calendars, Indexes, &c.*

The Calendar to the Patent and Close Rolls, in the Rolls Office, has been already brought down to the commencement of the reign of James I. ; and it is submitted to the consideration of the Board, whether the period for its conclusion ought not to be fixed at the Revolution in 1688. . . .

*Evidence as to Compilation of Calendar of Patent Rolls.* 59

All which is respectfully submitted this eighteenth day of January 1819.

WILLIAM BALL.  
RODERICK CONNOR.  
STEUART KING.  
JOHN BRINKLEY.  
FRANCIS CORBET.  
WILLIAM SHAW MASON."

January 1819.

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"Tabular Digest of the Sub-Commissioners' returns to the Committee.  
Actual result and present state of the works.

Arrangement of Patent and Close Rolls, from 31<sup>o</sup> Edward I. to the present time [1819], in chronological order completed.

Catalogue to same, giving an accurate description of each Roll, completed.

*Calendar of contents of same to the end of the reign of Elizabeth, containing upwards of 12,000 pages, completed; and considerable progress made in the revision of the same for printing.*

*Indexes Nominum and Locorum to same, containing 5412 pages completed.*"—The sixth, seventh, eighth, ninth, and tenth Reports from the Commissioners appointed by His Majesty to execute the measures recommended in an address of the House of Commons, respecting the Public Records of Ireland; with supplements and appendixes, 1816-1820. Ordered by the House of Commons to be printed, 13th July 1819, and 8th July 1820. Pages 37, 38, 39, 42, 43, 48.

The "Detailed Statement or Report," signed by W. Shaw Mason, the Secretary of the Commission, dated "Record Tower, Dublin Castle, 24th December 1829," specifically states, at page 1, under the head of "works now in progress of printing," that "*the Calendar to the Patent Rolls extends from the reign of Edward I. to the period of the Revolution in 1688.*"

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## II.

LETTERS PATENT OF HENRY VIII., A.D. 1543, TO SIR DERMOD O'SEACHNUSAIGH, OR O'SHAUGHNESSY, RESPECTING LANDS AND POSSESSIONS IN THE COUNTY OF GALWAY; OFFICIALLY EXTRACTED FROM THE PATENT ROLL OF 35 HENRY VIII., BUT TOTALLY OMITTED IN THE NEW "CALENDARS." SEE PAGE 42.

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THE following, *totally omitted* in the so-called new "Calendars," is printed verbatim from the official copy, attested by the Deputy-Keeper of the Rolls at Dublin, who, as stated at page 4, gave a certificate to the Treasury that the new Calendars were "*quite complete, and without any omissions.*" See pages 5, 4, and 43.

*"Extracted from the Patent Rolls, Chancery, Ireland.*

*"35 Henry VIII.*

"Henricus Octavus dei gr̃a Anglie Francie et Hib̃nie rex fidei defensor et in terra Ẽcclie Anglicane et Hib̃nicane supremu' caput' Omnibus ad quos p̃ntes l̃re p̃ven-  
runt Sãt̃m cu' nos p̃ lr̃as ñras de dat' noni diei Julii anno regni ñri tricesimo quinto manu ñra p̃pr' consignat' signotoq' ñro signat' tam d̃ilcō et fidel' ñro Anthonio Sentleger milit' uni generosor' private cam'e ñre deputato ñro regni ñri Hib̃nie q̃m al' de consilio ñro eiusd' regni ñri signifacaverim<sup>s</sup> q<sup>d</sup> nos de gr̃a ñra concessim<sup>s</sup> d̃ilcō et fidel' subdito ñro Dermicio O'Sheaghyn milit' sue nãconis capi-

taneo et hered' mascul' de corpore suo l'time pcreat' et pcreand' omnia et singula illa castra honor' mania terr' et teñta cu' pten' que p'd' Dermitius here p'tendit Tenend' de nobis hered' et success' nris p serviciu unius feod' milit' dantesq' virtute et warrant' earund' lrār nřar ac bille manibus dict' Deputat' Johñis Allen Canc' nři Willmi Brabazon subthes' nri Gerald' Ailmer cap'lis justic' nri ad p'lita coram nob' iřm tenend' et Thome Cusake milit' mag'ri rotul' Canc' nřo regni nři pd' consignat' eid' Canc' nřo dci regni nři Hib'nie plenam ptatem et auctatem lřas nřas patent' de et sup pmiss' eid' Dermicio O'Sheaghyn faciend' sigilland' et delib'and' Cumq' etiam nos et pnobilissimi pgenitor' nři reges Anglie fuerim<sup>s</sup> dñi Reges ac veri possessores omn' manerior đmor villar et villat' de Gortynechegory Dromneyll Dellyncallen Ballyhide Monynean Ardgossan Ballyegyn Keparell Clonehaghe Tollene-gan Lycknegaishe Crege Karrynges Tirrelaghe Rathvilledowne Ardmylowan tert' pt' de Droneskenan tert' pt' de Rath dimid' pt' de Flyngeston Ardvillegoghe Dromle-ballehue Cowle et Behe cu' ptin' necnon omn' castr' mess' terr' tent' redd' revert' servic' molendin' et heredit' quorumcumq' cu' ptin' in vill' et campis de Gortenchegory Dromneill Dellyncallen Ballyhide Monynean Ardgossan Ballyegyn Kepparell Clonehaghe Tolonegan Laknegaishe Crege Caryngs Tirrelaghe Rathvilledown Ardmylowan terc' pt' de Dronkeskenan tert' pt' de Rathe tert' pt' de Fyngliston Ardillegoghe Dromle Ballyhue Cowle et Behe p'd' in regno nřo Hibñie tamen p'd' Dermitius et antecessores sui nřales subdit' nři infra p'd' regnu' nru' Hibñie existen' arroganter et contra

legiancie sue debit' absq' ullo jure titulo sive interesse legitimo in pd' castr' mañia dñia villas villat' mess' et cetera pmiss' cu' ptin' usurpaverunt intraverunt et intruderunt ac injustam et usurpat' eor' possess' pmissor' contra jus et eor' legiancie debit' continuaverunt donec nunc dudu' pd' Dermitius ad memoriam suam revocans tam debitu' suu' erga den' [sic] quam legiantiam quam erga nos suu' [sic] natural' et legen' dñi [sic] et regem gerere debet qm̃ seipsu' nob' et legibus nris humillime submitit qm̃ totam suam pd' injustam usurpat' et ptens' possession' qm̃ ad et in pd' castr' maner' d'nia' vill' villat' mess' terr' teñt' ac ceter' pmiss' h̃ere ptendit' reliquit-renunciavit et remitt' Sciatis qd' nos pmissa considerantes et confidentes qd' idem Dermitius et hered' sui imposter' semp sese in oĩbus tanquam fideles dñci et maxime obedientes subditi nri nobis hered' et successor' nris hēbunt [sic] et gerent de maxima nra benignitate clementia gr̃a nra spiāli ac ex certa sc̃ia et mero motu nris dedim<sup>s</sup> et concessim<sup>s</sup> ac p pntes lras nras patent' damus et concedm<sup>s</sup> eidem Dermitio oĩa pd' castra' maner' dñia villas villat' mess' terr' teñt ac ceter pmissa' cu' ptin' Ac revercoes et reddit' omn' et singul' pmiss' et cujuslibet inde pcell cu' ptin'. Habend' tenend' gaudend' retinend' et occupand' oĩa et singul' pd' castr' maner' dñia' villas villat' mess' terr' tent' ac cetera pmissa cu' pten' pfat Dermitio et hered' mascul' de corpore ipius Dermitii legitm' pcreat' et pcreand' in tam amplis modo et forma put oĩa et singul' pmissa supius in pntibus expressa et specificat' cu' oĩbus eor' jur' membr' et ptin' univers' ad manus nras quocunque modo devenerunt seu devenire debuerunt. Tenend'

de nobis hered' et successor' nris in capite p servitiu' unius feod' milit' quand' scutagiū' currit in dco regno nro Hibnie p oibus al' servic' exact' et demannd' [sic] qui buscunq' nob' hered' et success' nris reddend' solvend' seu faciend' absq' compoto seu aliquo al' inde nob' hered' aut succ' nris reddend' solvend' seu faciend'. Proviso semp quod si pd' Dermicius aut aliquis hered' vel assignat' suor' habens statu' suu' vel aliquam pt' eiusdem status sui in pd' castr' maner' dñiis' mess' terr' teñtis' ac ceter' pmiss' cu' ptin' vel in aliqua pte vel pcella eorū' imposter' faciet seu facient aliquam confederacōem cu aliquo rebelliū' seu inimicor nror' contra nram regiam majestatem aut attemptet seu attemptent aliquā voluntariam guerram invasionem sive destruccōem contra nos aut veros fideles et obedientes subditos nrōs aut aliquo modo transgredietur vel transgredientur aliquam pt' allegiantie sui aut allegiantie eorū alicujus qui legēs nre declarant esse pdicoem et inde juxta debitu' ordinem legu' nrār hered' vel successor' nror' condempnabitur vel condempnabuntur. Quod tunc idem Dermitius hered' et assignat' sui modo et forma ut pdicatur condempnat' vel condempnat' pdent et forisfacient nobis hered' et success' nris oia hmoi jus titul' et interesse et possessionem que ipse vel ipsi tunc habet seu hebunt et clamabit seu clamabunt vigore hujus nre concessionis in pd' castr' maner' domis vill' villat' messuag' terr' tent' ac ceter' pmiss' cu' ptin' vel in aliqua inde pcell' Aliqua re causa vel mater' in hac nra donacoe sive concessione content' in aliquo non obstant' Eoquod expressa menco de vero valore annuo aut de certitudine pmissor' aut de al' donis sive concessionibus p nos eid



Dermitio fact' in pñtibus minime fact' existit. Aliquo statuto act' ordinaçoe sive pvis' inde in contrar' fact' edit' ordinat' sive pvis' aut aliqua al' re causa vel mater' quacunque in aliquo non obstante. In cujus rei testimon' has lñas ñras fieri fecimus patentes. Teste meipso apud Dublin' tertio die Decembr' anno regni nñi tricesimo quinto. Cusacke."

JOHN REILLY,

J. J. D. L[ATOUCHE,  
[*Clerk of Pleadings, Rolls*  
*Court, Dublin.*]

D[eputy] K[eeper] R[olls,]  
[*Dublin.*]

Endorsed as follows :—

"Chancery, Ireland. Dated Pat. Rolls 3d Dec., 35 Henry VIII. Rolls Office. Grant of lands to Dermot O'Sheaghyn.

Constat fee,	£0	10	0
15 sheets at 6½d.	0	8	1½
	<hr/>		
	£0	18	1½
Latin Fees .	0	5	7½
	<hr/>		
Irish . .	£1	3	9
	<hr/>		
British . .	£1	1	11"